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ABSTRACT

Because recent legislation and court decisions have expanded the rights of all students, schools of the 70s must educate them about the responsibilities that go with these newly recognized rights. A nationwide survey indicates that many schools have established grievance procedures based on open communication and clearly stated policies. And many have taken steps to ensure due process in suspension and expulsion and to safeguard confidentiality of student records. The report looks at the old issues of student government, the student press, and student discipline. The implications of Title IX and the legal responsibility of school board members for ensuring student rights are described. Useful as a handbook of dissemination techniques, the report is illustrated with samples from the content and graphics of student rights codes. (Author/MLF)

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SPECIAL REPORT

SR&R

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STUDENT RIGHTS AND RESPONSIBILITIES REVISITED

CURRENT TRENDS
in School Policies & Programs

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Acknowledgments

Student Rights and Responsibilities Revisited is one of a series of Education U.S.A. Special Reports on current trends in school policies and programs. The purpose of the series is to provide school practitioners at all levels, and others concerned with education, with the most up-to-date information on problems which are at the core of today's constantly changing education scene.

Student Rights and Responsibilities Revisited was written by Donald Graul of Washington, D.C., and J. William Jones of Philadelphia, Pa. It was developed and produced by the Education U.S.A. Special Reports staff: Cynthia C. Menand, Director of Editorial Services and Roy K. Wilson, Editorial Director. Special research, editorial and production services were provided by Lyn Broad, Debbie Lucckese, Virginia McAllister and Joan Wolfe.

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SR&R Overview

Back in 1971, the Washington State branch of the American Civil Liberties Union (ACLU) said that while "it may surprise the public that students in the public high schools have rights, it won't surprise the U.S. Supreme Court or anyone else who bothers to find out about the law."

About the same time, some 3,000 miles away in Philadelphia after a controversial code of student rights and responsibilities had given students a grievance procedure complete with student advocates to plead their cases, school board president Richardson Dilworth told his fellow board members with a twinkle in the corner of his eye: "I keep having this same nightmare every night. I dream I'm being chased up the side of the school administration building by hordes of ombudsmen."

He wasn't really alone.

From coast to coast, educators and school boards alike were having their own bad dreams. They were still standing in the backwash of the high school disturbances of the late 1960s and trying to deal with the rising tide of court decisions that had brought the U.S. Constitution into the classrooms of the nation's public schools in reality as well as in instructional theory.

They were, in effect, watching a dramatic change in the tenor and times of public education in the United States.

As the Constitution came through the schoolhouse door, dress and grooming codes went out. So did many restrictions against what a student could say or what he could print in a school newspaper. Suspensions, transfers and expulsions were transformed from exercises in administrative fiat into procedures in due process.

Schools, indeed, were changing, and many educators who traditionally and legally had acted "in loco parentis" – in place of the parent – in matters of student rights, or perhaps the lack of same, were worried.

Others were just plain angry, leading the National School Boards Assn. (NSBA) to comment in the preface to a kit intended as an aid in developing school board policies: "Sadly, the whole question of reexamining student rights and responsibilities has been muddled by emotionalism in too many cases." Such an approach, cautioned NSBA, can suddenly end up "in an emotional climate of 'us' against 'them.' "

Thus, the NSBA counseled: "These are our children – whether they be exasperating, rebellious, selfish, ungrateful, confused, misguided, they are nonetheless ours – they are not the enemy to be conquered and destroyed."

Arthur W. Combs, professor of education at the U. of Florida, writing in *Education Leadership*, put it this way:

> The treatment of students as second-rate citizens grows out of age-old assumptions about the nature of man and the growing organism. Somehow, our forefathers came to the conclusion that a child is not basically human. The Middle Ages Doctrine of Original Sin held that the human organism is conceived in evil and is, therefore, untrustworthy and unpredictable, bound to go bad if not held in tight control. Dependability, according to such a view, only comes with age, and human rights must be earned with good works. This conception of human nature is deeply rooted in our culture, widely held in religious dogma, and confirmed by distorted observation. It is even supported by 'science' in behavioristic, managerial approaches to psychological thought.
>
> More recently we have come to doubt this concept of the nature of man. As Maslow and other humanistic psychologists have pointed out, the basic nature of man is not primarily

Let's Call Them 'Human Rights'

Perhaps if you changed the term "student rights" to "human rights," you would have a better idea of what it's all about. So said one respondent to the survey for this Special Report. Schools, he said, are in business not only to infuse young people with knowledge, but also to develop in them a basis of behavior and philosophy of action that will assist them in dealing with the world outside the schoolhouse walls. Thus, he contended, there really are no such things as "student rights" or "teacher rights." They are, in reality, the rights of human beings to be treated as such. "Human rights," he said, "that's where it's at."

negative. Rather, it is essentially positive, as each person is motivated from birth to death by a never ending search for self-fulfillment.

So certainly not all educators were lamenting the change that was enveloping them and the young people under their charge. As *Education U.S.A.* pointed out in a 1972 Special Report on student rights and responsibilities: "Led by new-style educators and activist students, the nation's schools are increasingly recognizing that youth is no bar to a student's possessing and exercising his rights."

But have they really? Have schools and school teachers really adapted to this change? How? Has education, as a result, been helped or hindered? Is the lack of discipline in so many schools in 1976 a reflection of society in general, or is it directly related to relaxing the codes of conduct that were as much a part of education for 150 years as reading, 'riting and 'rithmetic?

That's what this Special Report is all about.

Education U.S.A. has queried more than 150 educators throughout the country to come up with the answers to these questions and more, as the subject of student rights and responsibilities is revisited four years later.

Chapter 1

Four Years Later: Where Are We?

In its 1972 Special Report on student rights and responsibilities, *Education U.S.A.* quoted the Education Task Force of the White House Conference on Youth:

> America's democratic system is rooted in the belief that all citizens who are affected by the system should have a voice in deciding how the system should be set up. This concept of representative democracy has not been universally accepted in our nation's educational institutions, (but students) must be thought of as participants, not merely recipients, of the educational process.

The task force recommended that students at all levels have "a voice in the policy and governance of their educational system" and it urged all educational institutions, from junior high school through higher education, to adopt codes of student rights, responsibilities and conduct.

At about the same time, the Committee on Student Involvement of the 1971 Representative Assembly of the National Education Assn. (NEA) was proclaiming:

> The idea that the student's right is the right to choose for himself only those things adults would choose for him is being rejected as a basis of relationships between adults and young people. It has become evident that young people have contributions to make to the society and to the schools – in viewpoints, in ways of dealing with problems and in ideas – that adults cannot make and may not willingly accept.
>
> More than most institutions, schools influence the course of their clients' present and future lives. Students therefore have the right to substantial influence over the educational program, including the goals they pursue, the topics they study, the learning materials and learning processes they use, and the criteria for evaluating accomplishment.

Lawyers, too, observed the dramatic change in the student rights decisions of courts throughout the land. Said M. Chester Nolte, professor of school administration at the U. of Denver and a leading authority on school law, "The kids want a piece of the action and powerful forces are on their side. The foresighted school is even now changing its organizational chart to provide an adult who has the job of representing the student – a sort of child advocate."

Tradition Dies Hard

Yet, noting that tradition dies hard in the educational establishment, the 1972 *Education U.S.A.* Special Report said:

> In summary, if the courts are to be obeyed, if students are to enjoy their constitutional rights and to learn democracy in democratically run schools and, indeed, if the American system of public education is to remain operable, there can be little doubt that the course ahead will probably be one of greater student freedoms and responsibilities and more involvement by the 'clients' in the shaping of educational decisions. But the course will not be an easy one to steer, nor will the waters traversed be calm.

It was so right.

Raged one superintendent in a middle-sized Ohio city in answer to an *Education U.S.A.* survey: "Really, doesn't the profession have enough 'educational research' on this kind of trash now? How about the rights and responsibilities of administrators and boards to run schools and exercise strong leadership? Is this now 'out'? Why fan a fire? You don't have to live with it like we do."

That type of attitude, although perhaps toned down four or five years later, still exists.

Said one high school principal in reply to a survey for this 1976 Special Report: "Our policy is to treat students firmly, but as children, which of course they are. We do not pretend that they are fully mature nor that they are adults. At times we treat them in an adult manner to help them mature, but to give them all the rights and responsibilities of adults before they can grasp the concept is, I feel, a mistake."

Said another: "Let's let kids be kids. They grow up fast enough without putting a copy of the Bill of Rights in their hands at birth. If adults treat kids unjustly, then correct the adults."

Said another: "Students may not and should not have all the rights of adults (after all, their attendance is mandatory, is it not?) and the courts who insist on it only do the school a disservice."

Some Fears Dispelled

Yet despite the ideological differences that still exist on whether or not students should have the full constitutional rights of adults, perhaps a paper at a recent meeting of The Council of the Great City Schools best sums up what has happened in the student rights arena during the past four years. It said:

> The fear that discipline would deteriorate after codes and rules were dropped has been dispelled in the minds of most teachers and administrators. The notion of students as persons with constitutional rights, and the invalidity of *in loco parentis* as the school's proper role, have been well established now. Accommodation to this seems to have made the school a better place for teacher, administrator and student alike. But much of the impetus for change is still due to narrow, defensive reactions by school authorities to judicial and legislative mandates, rather than any deeply rooted change in the attitudes of the educational professional toward student rights.

Rights Are Here To Stay

Nevertheless, for whatever reason, student rights appear to be duly recognized as official policy in 1976 in the majority of public schools and school districts across the country.

In questionnaires sent out for this Special Report, school authorities were asked to outline the level at which a student rights policy was ordered and the level at which it was prepared.

Of the 91 answers to this particular question, 64, or 70%, said that their school systems had an official policy on student rights.

The answers were broken down as follows:

- **Background, at what level was the policy ordered**

27 – No policy

19 – State

2 – District

33 – Local Board

1 – Teachers

2 – Students

2 – Parents

5 – Administration

- **Preparation, at what level was the policy written**

27 – No policy

9 – State

1 – District

8 – Local Board

65 – Teachers

44 – Students

24 – Parents

59 – Administration

Respondents said that policies were most often prepared by the school or school district faculty, with the assistance of the administration, students and parents, in that order, with review by the school solicitor before final approval by the board of education. But there were a small number of replies like "They just evolved," or "We just used common sense."

STUDENTS RIGHTS AND RESPONSIBILITIES REVISITED

CURRENT TRENDS in School Policies & Programs

Avoiding the Arbitrary: Minimum Standards for Rules

Court decisions relating to the spectrum of student rights could fill this Special Report and 100 more like it. Law journals, legal monographs and school solicitors' publications overflow with such decisions, from the simple to the highly complex, from those affecting a singular situation to those with sweeping import to public education.

So what is an educator to do? Short of taking a course on school law, is there a rule of thumb that can be applied by superintendents, principals and teachers faced with maintaining order in their schools on one hand and not violating students' rights on the other?

Yes, says E. Edmund Reutter, Jr., professor of education at Columbia U., and he sets forth the following minimum standards to be followed when establishing, communicating and enforcing rules of student conduct:

1. The rule must be publicized to students. Whether it is issued orally or in writing, school authorities must take reasonable steps to bring the rule to the attention of students. A major exception is where the act for which a student is to be disciplined is obviously destructive of school property or disruptive of school operation.

2. The rule must have a legitimate educational purpose. (For example, the rule may affect an individual student's learning situation or protect the rights of other students in the education setting.)

3. The rule must have a rational relationship to the achievement of the stated educational purpose.

4. The meaning of the rule must be reasonably clear. Although a rule of student conduct need not meet the strict requirements of a criminal statute, it must not be so vague as to be almost completely subject to the interpretation of the school authority invoking it.

5. The rule must be sufficiently narrow in scope so as not to encompass constitutionally protected activities along with those which constitutionally may be proscribed in the school setting.

6. If the rule infringes a fundamental constitutional right of students, a compelling interest of the school (state) in the enforcement of the rule must be shown.

A MOVEMENT WHOSE TIME IS PAST?

Perhaps the most startling fact that emerged from the survey for this Special Report was that students today really don't have that much of a concern for student rights.

Some say it's because the act of granting the rights itself in the late 60s and early 70s calmed down the student revolt and paved the way for calmer times in the years ahead.

Others say it's because students today, with no global cause to rouse their emotions such as Vietnam or Watergate, are, quite frankly, generally apathetic.

Said one respondent: "Look, in the 1960s college campuses were boiling over. Students were taking over dormitories and administration buildings. They were protesting against war and pollution and police brutality and racism and anything they could think of. It was only natural that the protests would filter down to the high school level. And thanks to generations of adult rule by fiat, student rights was a ready-made issue."

Whatever the reason, following are the results of a nationwide questionnaire asking how much concern students demonstrate today for their civil liberties:

52 – Show little or no concern for civil liberties

34 – Show some degree of concern

18 – Have shown concern in the past, but don't at present

4 – Have strong interest in civil liberty in the school

Thus, a grand total of less than 4% of those responding said their students showed a strong interest in civil liberties today, and 65% said students showed little or no concern.

Typical responses read like these, "Not really (show concern) unless they feel personally put upon," from a northeastern high school principal. "Not a strong display," from a plains state guidance director. "Students have asked questions about their civil liberties," said Stan Landfair, assistant principal of Muncie Central High School, Muncie, Ind. "Not to a great extent. We have had a few meetings with students and parents. It seems that most of them are satisfied with their civil rights," responded Ray Clark, principal of Corkraw Junior High School, Glen Burnie, Md.

PARENTS ARE GENERALLY APATHETIC, TOO

As apathetic to their civil liberties as students appear to be today, parents are right behind them.

Thus was the finding of a questionnaire on the level of concern of parents for the civil rights of their children in school.

Asked how they viewed concerns for student rights on the part of parents, educators replied as follows:

56 – Only in cases involving their own children

47 – Apathetic or no real concern shown

19 – Accept and support school's policy

11 – Strongly involved in the school

According to this survey, then, parents, at least in the eyes of educators, are actively involved in the issue of student rights in only 8% of the schools and school districts surveyed.

More drastic yet, in 35% of the cases parents are reported as generally apathetic, and in another 42% parents are only interested in the rights of their own offspring.

"Only when their children are in trouble. Mostly concerned with rights, not responsibilities," said Michael A. Orifino, principal of Auburn High School, Auburn, N.Y. "Don't seem to be," commented Donald K. Goe, assistant superintendent, Cherry Creek School District, Englewood, Colo.

"Lots of interest, greater interest in more stringent discipline. More concern for rights than responsibilities," countered Leonard Roberts, superintendent of schools in the Maquoketa Community School District, Maquoketa, Iowa.

A PARENT'S BILL OF RIGHTS

One exception to the parental apathy reported by survey results for this Special Report might be found in Philadelphia.

Since parents there have little need to demand more student rights after five years of a comprehensive Student Bill of Rights and Responsibilities, they have, instead, zeroed in on themselves.

Two citywide parent organizations – the Philadelphia Home and School Council and the Parents' Union of Philadelphia – working in conjunction with the school district administration, have drawn up a Parents' Bill of Rights and Responsibilities

The list, adopted by the Board of Education "to promote increased understanding and cooperation between home and school," reads as follows:

Every parent has the right to:

1. Be treated with courtesy by all members of the school staff.
2. Be respected as an individual regardless of race, creed, national origin, economic status, sex or age.
3. Be informed of academic requirements of any school program.
4. Participate in meaningful parent-teacher conferences to discuss his or her child's school progress and welfare when the need arises
5. Be informed of school policies and administrative decisions.
6. Be informed of approved procedures for seeking changes in school policies and for appealing administrative decisions.
7. Inspect his or her child's cumulative record and remove or correct any false or misleading statements in conformity with current guidelines established by the State and Federal governments.
8. Be informed of all programs in special education.
9. Appeal the placement, in accordance with established guidelines, of his or her child in a special education class.
10. Secure as much help as is available from the School District to further the progress and improvement of his or her child.
11. Expect that every attempt will be made by school personnel to insure the receipt by parents of important school news and messages.
12. Be informed of the role of the school family in the selection procedures of administrators as approved by the School District.
13. Reasonable protection for his or her child from physical harm while under school authority.
14. Organize and participate in organizations for parents only.
15. Be informed of educational and cultural programs available to the public school children in Philadelphia.

Every parent has the responsibility to:

1. Make every effort to provide for the physical needs of the child.
2. Strive to prepare the child emotionally and socially to make him receptive to learning and discipline.
3. Strive to have the child attend school regularly and on time.
4. Encourage and lead the child to develop proper study habits at home.
5. Know school requirements and procedures.
6. Speak up to prevent misunderstandings.
7. Discuss problems with the appropriate persons.
8. Work for the success and improvement of the school program.

Chapter 2

What About Responsibilities?

The educator sat down and bristled a little. In front of him was a questionnaire about student rights and responsibilities in his school. He took up a pen and wrote:

"The title of your questionnaire is Rights and *Responsibilities.* When you give equal concern to responsibilities of students, perhaps it will be easier to deal with rights."

He wasn't alone. Educators throughout the country today, after watching the student rights movement from its embryo stages 10 years ago through the demonstrations of the late 60s to its implementation in the 70s, are still trying to attach equal weight to rights AND responsibilities.

But, by and large, they aren't getting very far.

Nor should they, argues Florida's professor Arthur Combs. "Whenever we talk of student rights," he says, "there is an immediate demand for student responsibility as though people were fearful that giving students their rights would surely result in chaos or loss of control." Implicit in such demands, he says, "is the idea that student rights must be earned by good behavior, that students must *work* to obtain their rights. This is certainly an unfair demand, for we do not apply it to adults."

Rights, Combs says, "are what people have. They are 'givens'. They do not have to be earned. We have them just because we are human. They cannot be suspended with impunity except under extreme duress and, even then, only as a consequence of due process."

A Double-Edged Sword

Carl J. Dolce, dean of the School of Education at North Carolina State U., takes more of a middleground approach. He says it's fine and proper to give a student the right to cross the street, but you'd better infuse him at the same time with the responsibility to make sure he doesn't get run over.

Dolce sees a dual problem in the rush toward student rights without corresponding responsibilities. The first problem, he says, is that all too often "indefensible actions by school authorities simply tend to propel judicial decisions and/or public opinion into a more determined effort to protect students from the arbitrary imposition of power."

Thus, Dolce says, comes the rush toward rights without responsibilities, which leads him to contend that "when parents and society are unwilling to allow students to experience the full consequences of their actions, the rights of students must be more circumscribed or perhaps denied completely.

"To use a simple example," he continues, "one cannot extend to the pupil the right to run across a busy street at will if one wishes to shield him from the possibility of fatal injury. At times," he adds, "it appears as if the stability of society is threatened by the failure to link rights with responsibilities more directly."

"Let us hope," he concludes, "that the developing decisions concerning rights and responsibilities will be based on a rational framework which extends the rights of students to the widest possible spheres, joined with a basic responsibility for the peaceful and just progression of society." Nevertheless, the responsibilities end of the student rights and responsibilities movement continues to lag. One clear reason is a legal one, with court decisions outlining student rights step by step, but usually remaining hazy, at best, on the issue of responsibilities.

As one school administrator said: "I've got enough problems without taking on the Supreme Court, too."

A second problem is the reluctance of educators at this point in time to demand specific responsibilities of students and risk rocking the boat and riling the relatively calm waters of 197[illegible]. The memory of student walkouts, sit-ins and other demonstrations of the 60s is still etched clearly in the minds of most of the nation's school officials.

Thus, according to B. Frank Brown, director of Task Force 74, a privately funded high school reform group, "based upon analysis of hundreds of handbooks called 'Student Rights and Responsibilities,' the Task Force discovered that 99% of these handbooks dealt with rights and less than 1% of these handbooks dealt with responsibilities."

The Philadelphia Way

The School District of Philadelphia, in its handbook of student rights and responsibilities, stresses responsibilities, but like the "responsibilities" outlined by most other school districts, they are general in nature and relatively unenforceable beyond normal school disciplinary procedures.

Philadelphia's student responsibilities are:

- In light of the creation of these orderly procedures for dealing with student concerns (the Student Bill of Rights), no student shall disrupt the education process within a school.
- Every member of the school community, including students, parents and the school staff, has the responsibility to promote regular attendance at school, orderly conduct and behavior, freedom from fear of insult or injury, and maximum opportunities for learning on the part of each student.

Charleston Tackles Responsibilities

However, one school system that decided to do something about the responsibilities issue was the Charleston County (S.C.) School District.

As described by John C. Cone, director of information services, here's what happened:

"After years of carrying home legalistic documents called student rights, the Student Council Assn. in Charleston decided to write the student responsibility side of the coin and enforce it among their own peers in their own way.

"Not all students agreed that more regulations, even self-imposed, were necessary. But representatives of the 17 high schools came together to hammer out some basic principles of conduct on which all could agree. Through a combination of brainstorming and politicking the students arrived at a consensus statement."

It is as follows:

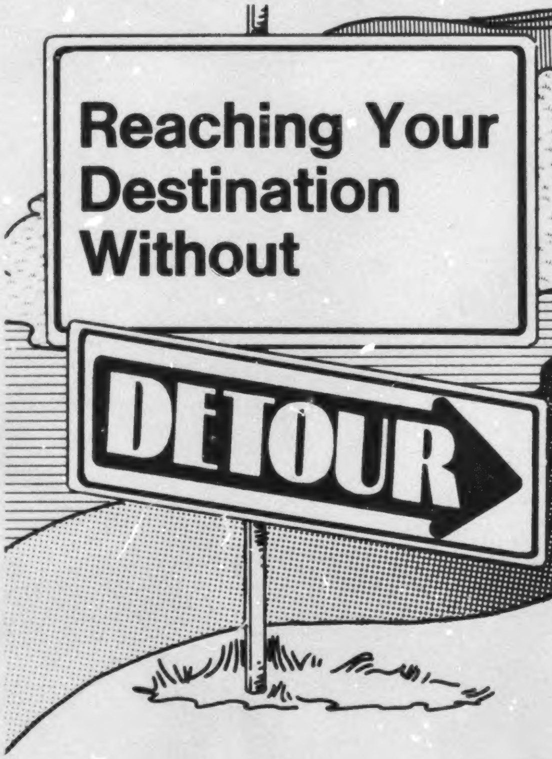
- I will respect my fellow students, teachers, rules and regulations as I respect myself.
- I will communicate with others to help unite my school.
- I will help eliminate the use of violence as an answer to problems and become a good citizen of my school.
- I will demonstrate respect for my school campus.
- I will support my school's activities and organizations.
- I will display good sportsmanship and school spirit at all times.
- I will have reverence for my own beliefs and respect those of others.
- I will not complain about the problems in my school, but will work to improve my school.

Here's How It Worked

"Each school," Cone said, "was asked by the association to implement the code in the way it thought best." The following is his description of how it worked.

> Student leaders of the 17 schools opened the new school year with a program to make the student code a part of their school's effort to curtail disruptions and improve relations with teachers and principals.
>
> A model implementation plan was followed in some schools where pledge cards were distributed by the student council. A table was erected in the cafeteria or student center where the cards were given to anyone who stepped forward and asked for it. Several important points were observed here. 1) The cards were not handled in any way by any adult in the school. 2) The program was not introduced by any adult in the school. 3) No one was ever forced to take a card

Pittsburgh, Pa.—Know the Law



Human rights and equal opportunity are intended for every citizen according to our Constitution. Of course, you know people who occasionally come out on the short end of things. Whenever a crime is committed, for example, someone or some group is benefiting themselves by denying others' human or legal rights.

Laws are designed to protect individual and group rights. They work well if (1) everyone knows the laws and (2) everyone respects and obeys the laws. If one or both of these don't happen your rights and the rights of others may be lost. Viewing this process is very much like viewing the two faces of a coin: heads is responsibility, tails is rights. If you accept a coin, you accept both sides. Rights and responsibilities, too, are inseparable.

Maintaining your knowledge of law is difficult because laws change as people and society change. The fundamental rights guaranteed in the Constitution do not change, however. Over a period of time and through court interpretation the intent and meaning of our Constitutional rights gradually have emerged more clearly. Rights we now take for granted usually required someone else's sacrifice in the past.

Your Right-of-Way Road Map. North Allegheny School District, 200 Hillvue Lane, Pittsburgh, Pa. 15237
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nor were they merely distributed to every student on the campus. 4) Those signing the cards became the "in crowd," leaving the nonsigners as nonaligned loners." Cone continued.

This last point was emphasized when large bulletin boards began to appear with the names of the students who pledged to support the code scrawled boldly across them. Student leaders, official and otherwise, were the first to have their names posted, which encouraged others to follow.

And Cone concluded, "While such efforts do not put an end to all school disturbances, they certainly remind all of us that the troublesome students in any school are in the minority, that most students are serious and dependable, and that those students, given a chance, can set the tone for the entire student body and faculty."

Chapter 3

One Key: Involving Everyone

Once a school or school district has decided to embark on a program of student rights and responsibilities, what is the most effective way to involve the students themselves in the movement?

That was the question asked of educators for this Special Report. And 54% of those answering agreed that the best way was to sit down, talk things over with students and act upon their recommendations.

The results of the survey were as follows:

63 – Really listening to the students, and acting upon their recommendations, providing opportunities for them to exercise their ideas on real change in the school, making it an experience in real-life decision making and hard work.

12 – Good human relations, an attitude of respect for students.

9 – Effective teaching.

8 – Student government with REAL power.

7 – We have tried everything, there is still apathy on the part of the student.

5 – Make attendance voluntary for students, then they will want to be in school.

4 – Alternative schools.

3 – Flag raising and prayer for student pride.

3 – Get back to the three Rs.

2 – Principal exerts personal leadership.

Some typical responses included: "Open communication. We have a student caucus that permits an airing of gripes, concerns, etc.," D.V. Sudkamp, principal, Memorial High School, Beloit, Wis. "Have them involved in actually governing or leading everything that they are capable of handling," Hanford Rants, principal, Gahr High School, Cerritos, Calif. "Give them a voice – listen to them – act on effective suggestions," Richard Dagget, assistant principal, Silverbrook School, West Bend, Ind.

All of the above also mentioned a strong student government in their responses, but there were several of the following: "Get and keep them involved in decision making," but that respondent's comments on student government were, "Not too much (power and authority)." Another answered this question with a simple, "student government," but in his answer to the student government question he said, "Advisory role only."

Some other responses to this question were, "Listen to them and what they have to offer. Remind them that the rules are set up to help society function in an orderly manner. It is their responsibility to change the bad and keep what is good. Changes don't come easy. It takes hard work to change the poorest regulation. Get involved," says Robert K. Muhs, superintendent, Newport Public Schools, Towner, N.D.

"Give students responsibilities and don't have people looking over their shoulders all the time. When they make suggestions, listen, discuss, and then let them do the organizing, with supervision, when practical. Most of the time their ideas are good!" said Frank R. Nowak, principal, Rogers High School, Michigan City, Ind.

"Just do it. It's an attitude more than a program or procedure," explained Dayton L. Musselman, director of pupil personnel, Fort Wayne (Ind.) Community Schools.

"Involve students in the planning and decision making process," said Arnold W. Embree, director of pupil personnel, School District of Pontiac, Mich.

involving students in activities which will extend their knowledge and understanding of current law and their rights under it is advocated by many educators. The following game (see pp. 18-21), reprinted from the February 1976 issue of the *Law in American Society* journal, provides a means for helping students relate law to a practical problem.

The author of the game plan, Robert Pratt, is an associate professor of Economics at the U. of Northern Iowa, Cedar Falls. He is an instructor of social science methods courses at the university and was instrumental in organizing the Iowa Institute for Law-Related Education in 1974.

The game plan could be modified to focus on almost any legal issue of concern to students. An additional plus is that the exercise asks students to assume roles which they may see as adversary to their needs as well as rights thus providing an exercise in "seeing the other side."

OPEN COMMUNICATIONS SOLVE MOST PROBLEMS

Since the participants in the arena of student rights encompass educators, students, parents and the community-at-large, and since most school districts have had both good and bad relationships with each, what factors, both negative and positive, have contributed to these relationships?

That was one of the questions asked by *Education U.S.A.*, and the results were as follows:

POSITIVE

31 – Good and active communication with the parent and the community

17 – Solid and meaningful curriculum

12 – Everyday activity and contacts within the school

12 – Strong staff

12 – Outstanding student accomplishments in academic and extra-curricular areas

11 – Court decisions to formalize discipline and other tasks.

9 – Community use of facilities

9 – Community input on the budget

8 – Small size of district

8 – Less formal rules, more relaxed atmosphere

6 – Strong discipline

NEGATIVE

9 – Freedoms at home make discipline difficult at school

8 – Parental apathy

7 – Court decisions forcing accountability

5 – The state of the economy

5 – Bad media contacts, emphasis on trouble and problems at the school

3 – Local controversy between liberal and conservative parents

3 – Staff morale low

3 – Small size of the district

3 – Collective bargaining

2 – Drugs on campus

There were a great many responses to this broad question. But one response, in several forms, dominated the positive reactions: that an honest and open communication program which involved parents, students, teachers and the community-at-large was the best solution to the issue.

"We try and maintain communication with the home. Whenever a problem exists we write or call the parent. In most situations we ask for a parent conference to discuss the problem. Our school newspaper is published weekly by our local daily paper and distributed with its Friday editions," explained Wyant E. Baker, principal, Lincoln High School, Vincennes, Ind.

"Continued communication from school to parent and student, both in the local news media and personal communications," says Gerald Smith, principal, North Central High School, Pioneer, Ohio.

"Public relations, open meetings regarding major policy changes prior to enactment. A regular newsletter to parents and many public activities," outlines William G. Bothke, principal, Marshwood High School, Eliot, Me.

"Home visits and parent group conferences," responds L. Jean Larson, principal, Tucson District No. 1, Tucson, Ariz.

In essense, respondents said that an effective and responsive communication system among the "Big Three" (parents, students and school), will often spell the difference between a school with a responsible and dedicated student body, and one that is a constant hotbed of friction. If these three groups have a mutual understanding of the rights and responsibilities which belong to each, they said, there can often be a pleasant and successful climate created.

Many possibilities for communication programs were mentioned by respondents. An effective student/parent/teacher handbook is a first step. The real responsiveness and visibility of the administration is another. Also, school boards can discharge their duties in any of several different ways, to foster a healthy relationship among the "Big Three" or to cause abrasive reaction.

On the negative side, a failure to communicate with the community appeared in several forms. Complaints that parents want the schools to be less permissive than parents themselves are at home was mentioned repeatedly, as was the effect of parents who refuse to become involved in the school.

In conclusion, the most effective programs involve everyone with an interest – students, school personnel, parents, school board members. Making sure that all persons are included in the development of student rights policies and procedures and in the dissemination of same. Most districts with successful programs tell of planning, developing, implementing phases which ranged from one year to three. And all say their policies and practices procedures and dissemination efforts are evaluated at least annually to insure conformance not only with local policies but also state and federal legislative and legal requirements.

Portland, Ore.—The Community Has Rights

COMMUNITY RELATIONSHIPS

NEIGHBORHOOD RESIDENTS' RIGHTS

Community residents have a right to privacy, private property and freedom from abusive behavior. Students must not loiter, litter, trespass or create nuisance conditions for residents of the community. While schools cannot be held responsible for the acts of students to and from school, they may take disciplinary action if the circumstances warrant. Schools have a responsibility to cooperate with law enforcement agencies to which law violations affecting community members are reported.

COOPERATION WITH LAW ENFORCEMENT AGENCIES

School personnel are responsible for cooperating with, and making it possible for, law officers to interrogate students on the school premises. Law officers must advise students of their Constitutional right to remain silent, and school personnel may not require that a student answer an officer's question nor should they interfere with the officer's interrogation.

If an officer comes to arrest a student and has a warrant or a summons for that purpose, it is not only appropriate that school personnel and all other persons aid in the apprehension and detention of the student, it is also their affirmative duty to do so. In fact, it is a crime to willfully refuse to assist an officer in attempting to make a lawful arrest.

However, a student's parents will be notified if possible prior to interrogation by a law officer.

OFF CAMPUS SOLICITATION OF FUNDS

No school or school-related student groups are authorized to conduct any type of door-to-door promotion or solicitation for the school or school groups, except tickets to school programs may be sold in this manner. There should be no solicitations for funds in homes for any purpose except for the sale of tickets to school functions unless expressly authorized by the Superintendent.

PARENT-SCHOOL COOPERATION

The primary responsibility for developing self-discipline, responsibility and respect for other people rests with the home and parents. Children who have developed these qualities usually progress in school. Because the school is also concerned with the development of attitudes, habits and behavior, and must provide a proper climate for learning, it tries to work cooperatively with parents in the pupil's development so that he may succeed in school. Teachers want all students to learn, but their efforts can be thwarted by a disruptive student. When the student does not conduct himself/herself appropriately in school, then the school has a responsibility to take action in the interest of the pupil and other students.

Discipline, as administered in the Portland Public Schools in conjunction with the home, is based on a counseling philosophy designed to produce behavioral changes that will enable students to develop the self-discipline that is necessary to function successfully in their educational and social environment. *The major objectives of discipline in the schools are to teach the following fundamental concepts for living: 1) respect for the rights, dignity, and safety of all individuals within the school and community; 2) respect for law and observance of school district policies, procedures, and local school regulations; 3) respect for public and private property rights.* The procedures employed to attain these objectives involve counseling by teachers, counselors, administrators, and the parents or persons having custody of the students. Other special school services and community agencies frequently are e

Parents are
toward responsi

Student Rights and Responsibilities. Portland Public Schools, PO Box 3107,
Portland, Ore. 97208

Classroom Strategies

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The Underground Press

Robert B. Pratt

There is little evidence that teachers and administrators go about deliberately suppressing the Bill of Rights; on the other hand, it is naive to assume that educational institutions have been the guarantor and champion of student rights. As Walt Kelly said through his comic character, Pogo, "We have met the enemy and they is us." The notion that students have rights may be new to some, but it's not new to the students who are practicing their social science in the courts, rather than in the classroom. The following simulation is designed to provide students with a working knowledge of basic school board procedures in your district and show how it is possible for students to protect their rights against unfair infringement.

Objectives

After playing "The Underground Press" students will be better able to:

1. Explore the scope and limitations of such substantive legal concepts as authority, participation, freedom and equality.
2. Operationalize these concepts in a realistic school setting involving the legal transactions, questions of reciprocity, responsibility and diversity that customarily define student rights.
3. Interact in a way that demonstrates an appreciation of adjudication as a peaceful means of settling disputes, while establishing workable standards for measuring the success or failure of school policy.

The Game in Brief

The activity stems from a hypothetical incident in which three students are expelled from school for acts "unbecoming" students at West High School. They are charged with alleged illegal acts surrounding the printing and dissemination of an underground newspaper. The activity itself will be the school board meeting in which board members decide if the dismissal of the three students by the principal should be upheld. The issue before the board is established by reading two separate accounts of the incident. The administrator's account of the incident is presented in the dismissal letter, copies of which were sent to the board and to the students. The other account is provided in a letter-to-the-editor which explains the incident from the students' point of view.

The school board hearing will be the forum which brings together the advocates of both positions. The hearing outcome will be the actual judgment of the school board on each of the charges made in the letters. It might also consist of a recommendation for further legal action to be initiated in civil or criminal court, if the school board so chooses. Directions in the activity will tell students how to prepare for the hearing and help the teacher in debriefing the hearing once it is over. The activity concludes with a suggested evaluation exercise based on the objectives of the activity.

Simulation Instructions for the Teacher

Step I: Introducing the Game

Although the incident is a hypothetical one, the simulation should follow the format and procedures actually used by your local school board when addressing legal controversy. Each of the role assignments will provide citations of recent federal court rulings on students' rights and responsibilities, but existing board policy and local jurisdictional rulings should also be considered in the proceedings so as to simulate the policy that typically operates. Students should have access to these policy statements and become familiar with school board procedures. Students will have one week to prepare for the hearing before the board. They should be assigned their roles, receive copies of the appropriate role cards (printed at the end of this article), and have access to the following two letters.

WEST HIGH SCHOOL
Jefferson School District 390
Jefferson City, Iowa
Mr. Edward Jones, Principal
April 20, 1975

Dear Members of the Board:

This letter is in response to school board policy which requires school administrators to justify actions which lead to expulsion of students with no provision for readmission. On April 14, 1975, James Green, Marcia Hopkins and Stanton Reed were expelled from school for conduct unbecoming students of West High School. The three students, all formerly members of the school newspaper staff, turned their backs on the newspaper and printed and disseminated the first and last edition of their so-called "Underground Press." In the process of preparing, printing, and disseminating this edition, the students committed the following acts unbecoming of students at our school:

1. The edition was printed from stencils taken from the student newspaper office, by mimeograph machines used without permission, and on paper stolen from the school office.
2. The edition contained scurrilous and untrue accounts of the principal's private life. The edition also featured an abusive and obscene rating system of the instructional staff, made up of criteria not appropriate to any standards of good teaching. The edition called for a revision of the grading system, drawing a preposterous analogy between our grading system and the way Nazism undertook its extermination policy during World War II. The issue featured a letter to the editor by Marcia Hopkins, urging students to boycott the school lunch program as a protest against the allegedly "horrible food" that is "not fit for human consumption."
3. While distributing the paper, Stanton Reed stood in front of the cafeteria door and caused such a commotion that many of the students were late for class. While in class, the students read the paper, causing further disruption by reacting to the scandalous and libelous material contained in the paper.

In light of the above acts, we inform you of our action in summarily expelling these three students from school; and we urge that you sustain our action and exclude these students from any future involvement in school affairs.

Respectfully yours,

Jefferson City Dispatch, April 21, 1975

To the Editor:

As students of West High School, we feel we have been denied our right of freedom of the press as specified in the First Amendment of the Bill of Rights. Our expulsion from school, without a hearing, came as a result of printing our own student paper because we couldn't get our message across using the regular school channels. We have been charged with the following "crimes" and our purpose in writing this letter is to answer the charges made against us.

1. We will admit that we used school materials and equipment to publish the paper, but the materials were not stolen. At the beginning of the year, the members of the Journalism Club raised funds themselves to purchase the paper and stencils. The machine is school property and therefore it belongs to the taxpayers who should be able to use it in any way they want.
2. In reference to the charge of defamation or libel, we stand behind what we print. The fact that Mr. Jones has recently been divorced should attest to the truth of what was written about his sex life. Our rating system of teachers was praised by most of the staff and only those who got a poor rating have complained. The students at West hate the grading system and most of them agree with our statement about it. The same is true of the terrible service in the school cafeteria. Students were only asked to boycott the food and no one took away their choice of eating or not eating at the cafeteria.
3. We did distribute the paper during lunch hour but if anybody was late to class it was because they were mad at the school for treating them so badly. All we did was print the truth.

It is disturbing to be denied our right to print the truth. It is even more disturbing, however, to be denied an education for standing up for what we believe.

Jim Greene
Stan Reed
Marcia Hopkins

Step II: The Game in Play
Simulated Hearing (Day 1)

Some 14 students can be actively involved in the roles provided in this simulation. These students should develop their roles based on the general orientation contained in the role cards and on local policy and/or appropriate state statutes which apply to their own school system. The specific hearing format should follow as closely as possible the actual procedure the board uses in such cases.

Step III: Debriefing the Game
Inquiry Questions (Day 2)

The content of the simulation is based on the actual school board policies of the students' own district and the state and national law as it relates to students' rights and responsibilities. The students should have used the following legal concepts while developing their roles.

Authority
Participation
Freedom
Equality

Transactions
Reciprocity
Responsibility
Diversity

In debriefing the game these concepts should be explored while students answer the following questions:

How did each of you feel in the roles you had?

Dropping the roles, how do you feel about the board's decision?

Was justice served?

What authority does the school have in limiting such freedoms as speech, press, religion and assembly?

If you were to formulate a position statement on student rights and responsibilities, what would you include in the statement?

Step IV: Evaluation Exercise
Essay Test Item (Day 3)

Assume that a group of senior students wanted to change the school policy as it relates to the long-established prohibition of smoking in the school. The question being addressed is: To what extent should the smoking privileges for teachers be extended to students, particularly students who have reached their 18th birthdays. In addressing this issue, answer the following questions:

1. What body would have authority to make such a change in school policy?
2. What special-interest groups would need to be considered before making this change?
3. What legal issues might be used in support of a policy change?
4. What new policy could be devised providing equal treatment of all students, but at the same time:
   a. preserving the legal constraints that young students (ninth graders) may not purchase or consume tobacco;
   b. preserving the rights of non-smokers to a healthy and clean environment.

The following page contains the role cards which may be duplicated, cut apart, and distributed to the players.

For the Teacher

For many of the court cases involving student rights and responsibilities, see Alan Levine, *The Rights of Students*, New York, Avon (1973) or David Schimmel and Louis Fisher, *The Civil Rights of Students*, New York, Harper & Row (1975). The April, 1975 issue of *Social Education* (NCSS) was devoted almost exclusively to the topics of academic freedom and teachers' rights and responsibilities.

The Underground Press

ROLE CARDS

The Students

(Jim, Stan, Marcia)

You may be called to testify in the hearing so you want to work with Ms. Apple and help her in any way you can. You are particularly concerned about student equality and that the school will protect diversity of ideas even when the ideas are unpopular. You are also concerned about receiving a fair hearing, so you want to be sure of school board procedure in cases like this. You want to clarify the school position on student rights and responsibilities, thus preventing any possible retaliation against you or members of your family once you're back in school.

Ms. Roberta Apple

(ACLU Attorney for the Students)

You feel it is unfortunate that the students wrote the letter to the editor admitting public guilt for their actions. You hope that you can defuse any criminal action against the students and get them back into school. The real issue for you is one of student freedom and the misuse of terms like behavior "unbecoming students of West High School." Do students leave their rights at the school house door? You think not and you want the hearing to spell out the rights the students have. You personally feel that the students may not have acted responsibly in some of their behavior but you don't want that to cloud the real issue of student rights. *Shanley v. Northeast Independent School District*, 4G2 F. 2d960 (5th Cir. 197[illegible]) is a lower federal court case dealing with students right to prepare, distribute, and sell literature such as "underground" newspapers.

The Administration

(Mr. Jones, Principal, and Mr. Allan, Superintendent)

You (Mr. Jones) are in a dilemma between dislike of the student behavior surrounding the underground paper and your professional responsibility of providing the best education possible for the students of Jefferson City. You are very upset with the personal attack made on you and you want a public apology or redress in the civil courts.

You (Mr. Allan) want to back up your administration and set an example for all of the students that irresponsible student behavior will not be tolerated in the district. On the other hand, you want to work out the conflict in a lawful and speedy way so that the school district can get on with the business of education.

Mr. James Otto

(The School Board Attorney)

You are very concerned that the school board is legally covered in any actions related to the controversy. You want to make sure the board is advised of what rights of participation are guaranteed by the Constitution as articulated in cases like *Tinker v. Des Moines Independent School District* 393 U.S. 503 (1969) and by *West Virginia v. Barnette* 319 U.S. 624 (1943). You are also concerned that students are given due process so that the board is protected in cases like *Goss v. Lopez* (43 LW 4181) and *Wood v. Strickland* 73-1285. You are equally concerned, however, that the students are made accountable for any legal transgressions that accompanied the publication of their newspaper. This is particularly true of their possible libel case concerning the good name of Mr. Jones, West High Principal.

Mrs. Emily Southcomb
(Board President),
and Seven-Member School Board

The board was a little upset by the principal's letter summarily dismissing the students without a hearing. Because of the recent case of *Goss v. Lopez* (43 LW 418A), the board decided to grant a hearing to the offending students on April 21, 1975, and they were given the right to be represented by an attorney. Our task before the board meeting will be to determine the board's authority over each of the charges and during the meeting to rule on only the charges and transactions that fall under our jurisdiction. The responsibility for any criminal action growing out of the case will be turned over to Mr. Otto, the school attorney, for possible civil litigation. Our primary responsibility is to the people of Jefferson City who elected us and in their name to make sure the school administrators and the students involved in the conflict get a just and open hearing.

Chapter 4

The Second Key: Getting the Word Out

No matter whether a policy of student rights was planned carefully or rose out of common sense or "just evolved," dissemination of the policy is uniformly widespread.

Asked how student rights policies and procedures are distributed and publicized, 145 educators replied as follows:

75 – Student Handbook

18 – Parents

9 – Board regulations

22 – Newspapers and media

6 – Teachers manual

31 – Administrative regulations

More than half of those responding said that their policies on student rights and responsibilities were distributed in student handbooks; some added that parents also received a copy and some that teachers were given copies.

Most responses were like this one from Norman D. Brooks, principal, Consolidated School District No. 2, Raytown, Mo.: "Each teacher and student is given a copy (of the handbook). Those items that are of special importance to parents are included in a handbook which is handed out at open houses."

The local news media often publicizes the rights and responsibilities handbooks and policies. "The local newspaper and each family is mailed a copy plus each student gets a copy," said Alan R. Krebs, principal of Waterloo (Iowa) East High School.

Perhaps the most interesting and persuasive of all the local school district handbooks submitted for this special report came from the North Allegheny Schools, Pittsburgh, Pa., prepared by a faculty committee, according to Joseph Lagana, director of Secondary Education.

It is a 24-page pocket-size booklet in the form of a driver's training instruction manual. It is titled, "Your Right-of-Way Road Map" and the graphics back up the language, straightforward and to the point. Throughout the text, the rights are combined with the responsibilities to show the reader that one follows the other and that respect for both is required for an effective system. This booklet is backed up by a teacher's manual and administrative regulations which make up a "Citizenship Code." (See pp. 14, 23, 35, and 39.)

The State Education Dept. of New York's "Guidelines for Student Rights and Responsibilities" is a 42-page booklet prepared by the State U. of N.Y. in cooperation with the state education department. It is designed to "provide students, parents, teachers, school administrators, school boards and the general public with suggested guidelines for local policies governing relations among the various groups and individuals who make up the school community."

A review of all the current legal and educational philosophy concerning student rights and responsibilities, it was first issued in 1972 and has been updated annually. Most New York schools responding to the *Education U.S.A.* questionnaire cited the handbook as the pattern for their own district and school programs. They also have used and credited several other state department guidelines in their preparation, including Idaho, Minnesota, South Dakota and Ohio. (See pp. 26-27.)

The Prince Georges County (Md.) Public School Code of Student Conduct is an eight-page tabloid newspaper. It isn't durable, but lively pictures and large typefaces make it attractive. It's published under a state law which requires each county to adopt a set of rules and regulations for the discipline and conduct of students in its schools. This one is designed for the parent. It emphasizes the need for "good order and discipline" in quality education. "Good order and discipline may be described as the absence of distractions, frictions, and disturbances which interfere with the optimum functioning of the student, the class, and the school," according to the booklet. The document mentions the need for good, strong home discipline to support the efforts of the school to create this "good order" and then outlines the pattern of enforcement of the code within the school.

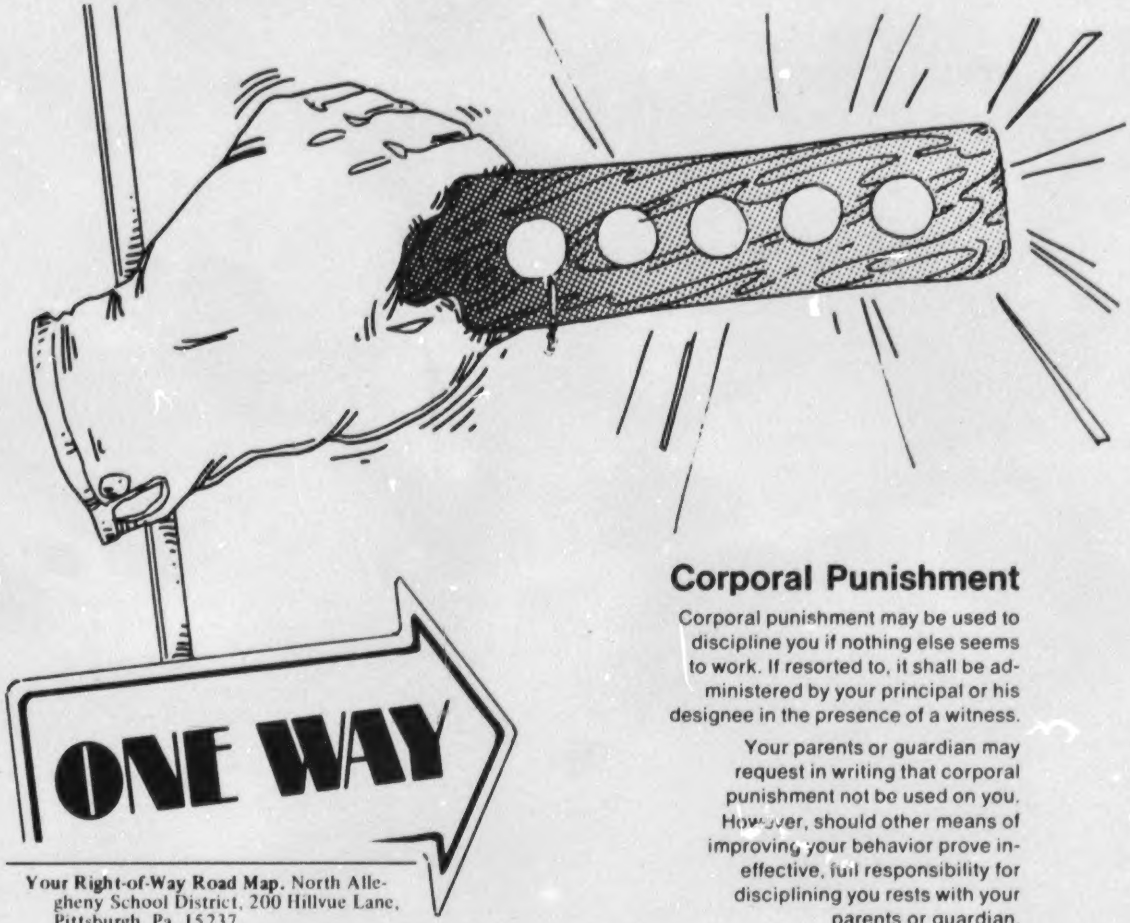
The South Dakota Dept. of Public Instruction has prepared "A Guide to Student Rights and Responsibilities," using input from students, parents, teachers, administrators and school board members.

The 32-page booklet covers legal issues and includes recommendations from the workshop which prepared it. It emphasizes that these are merely guidelines and that real implementation of rights and responsibilities is a local school task.

The rights and responsibilities are presented in a short narrative, with the "right" on one side and the concomitant "responsibility" opposite it, to show the close connection between the two. South Dakota also has a booklet outlining the essentials of due process for students, parents, teachers and administrators. (See p. 25.)

The Memphis Public Schools have prepared an attractive booklet, designed and produced by students in the system's secondary schools. Its bright green pages outline student rights and responsibilities in an inviting fashion. It portrays the school as full of opportunities for students to express their personalities with mutual respect, trusting that other students, teachers and adminis-

Pittsburgh, Pa.—'If Nothing Else Works'



Corporal Punishment

Corporal punishment may be used to discipline you if nothing else seems to work. If resorted to, it shall be administered by your principal or his designee in the presence of a witness.

Your parents or guardian may request in writing that corporal punishment not be used on you. However, should other means of improving your behavior prove ineffective, full responsibility for disciplining you rests with your parents or guardian.

Your Right-of-Way Road Map. North Allegheny School District, 200 Hillvue Lane, Pittsburgh, Pa. 15237
Copyright © 1975

trators will also share the responsibility which insures all peoples' rights. (See below and p. 59.)

The Portland (Ore.) Public Schools have a pocket-size self-mailing handbook which emphasizes the responsibilities of the school and student alike, placing the formal discipline items well in the back. It consistently mentions "genuine participation in the school" and the student's responsibility to formulate patterns of student conduct personally, within the guidelines of the school system's policy. There is a distinct deemphasis of the legal and formal, with the emphasis on the real activity of the student and the school in all examples of rights and responsibilities. (See p. 17.)

The Lincoln-Sudbury (Mass.) Regional High School Student Handbook is designed as a guide to the resources, human and physical, of the school, as well as discussing the student's role in the school community. "It is written to show the school as it is," according to its introduction. It has lists of all the people, places, and things concerned with all the activities of the school. It is really a "how-to" handbook which is designed to put the student into the program as an active member. It implements the issue of student rights and responsibilities by treating them along with all the other specific items of the school's business. (See p. 28.)

Grover Cleveland High School in Portland, Ore., prints its handbook as a calendar of events and comments on school policies and programs in a notebook-size, punched unit. The manual includes school maps, teacher's names and assignments, and a complete guide to the system. (See p. 29.)

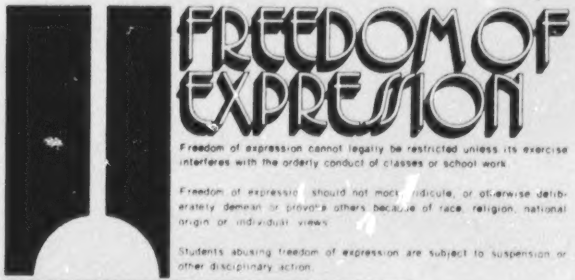
One of the most exemplary of the state handbooks is that of the Minnesota Dept. of Education. It is titled, "Emerging Rights of Students," and has been reprinted by the National *School Public* Relations Assn. Each basic right is linked with the responsibility, legal basis and background to guide the local board, administrator and teacher-student group in writing and implementing its own programs. (See p. 30.)

Examples of other student rights codes are found throughout the book. They illustrate how school personnel, students, parents and school board members are working to clarify what rights and responsibilities are, what disciplinary procedures are used and when and how these "codes" can be disseminated.

Students in South Carolina have a comic book entitled, "Student Rights and Responsibilities," full of cartoons and interesting and humorous comments and illustrations to accompany the text. It covers all the usual areas, but from the student's point of view. It was prepared by the South Carolina Community Relations Program of the American Friends Service Committee and the American Civil Liberties Union of South Carolina. There was considerable consultation with the South Carolina Dept. of Education's own Rights and Responsibilities Handbook, a publication that was prepared for the students but distributed only to teachers and administrators. The comic book publication was sent by its publishers to about 20,000 students in the state.

It represents the concern of civil rights advocates. They see the schools' student handbooks, prepared and distributed by the boards and administrations, as self-serving documents. They contend the schools are not often as candid as they might be in outlining the rights which the students have within the school. (See p. 31.)

Memphis, Tenn.—What You Can Say and Store



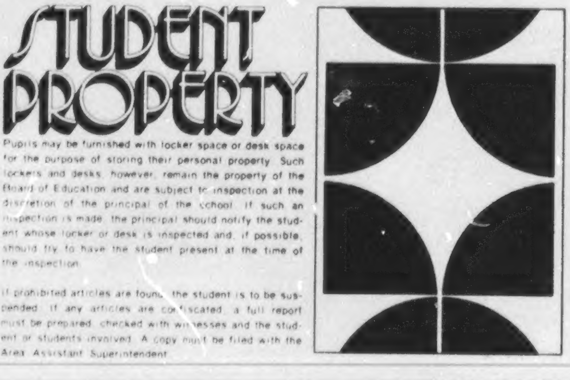
FREEDOM OF EXPRESSION

Freedom of expression cannot legally be restricted unless its exercise interferes with the orderly conduct of classes or school work.

Freedom of expression should not mock, ridicule, or otherwise deliberately demean or provoke others because of race, religion, national origin or individual views.

Students abusing freedom of expression are subject to suspension or other disciplinary action.

Student Rights and Responsibilities. Memphis City Schools, 2597 Avery Ave.
Memphis, Tenn. 38112



STUDENT PROPERTY

Pupils may be furnished with locker space or desk space for the purpose of storing their personal property. Such lockers and desks, however, remain the property of the Board of Education and are subject to inspection at the discretion of the principal of the school. If such an inspection is made, the principal should notify the student whose locker or desk is inspected and, if possible, should try to have the student present at the time of the inspection.

If prohibited articles are found, the student is to be suspended. If any articles are confiscated, a full report must be prepared, checked with witnesses and the student or students involved. A copy must be filed with the Area Assistant Superintendent.

South Dakota—Each Right Has a Responsibility

FREE PUBLIC EDUCATION....

A prized birthright of state citizens is that of an education at public expense for those citizens between the ages of five and twenty-one unless they graduate from high school before the age of twenty-one. The birthright carries with it correlative responsibilities, as follows:

It is the Student's Right to:	It is the Student's Responsibility to:
Attend school in the district in which his/her parent or legal guardian resides	Attend school daily, except when ill, and to be on time at all classes
Attend school until graduation from high school at public expense	Attend school until sixteen or complete the eighth grade
Obtain free textbooks and supplies needed in the course of study	Pay admission to activities if attendance therein is voluntary
Attend school at no expense even though married	Obey reasonable restrictions on married students where the board has such rules and regulations

It is the Student's Right to:	It is the Student's Responsibility to:
Assist in the making of decisions affecting his/her life in school	Pursue and attempt to complete the course of study prescribed by the state and local authorities
Express his/her opinions verbally or in writing	Express his/her opinions and ideas in a respectful manner so as not to offend or slander others
Expect that the school will be a safe place for all students to gain an education	Be aware of all rules and regulations for student behavior and conduct himself/herself in accordance with them
Dress in such a way as to express his/her personality	Dress and appear so as to meet fair standards of propriety, safety, health and good taste
File a grievance with the appropriate school official when accused of misconduct	Be willing to volunteer information in disciplinary cases should he/she have knowledge of importance
Be afforded a fair hearing with the opportunity to call witnesses in his/her own behalf, and to appeal his/her case in event of disciplinary action	Be willing to volunteer information and cooperate with school staffs in disciplinary cases
Expect that where he/she bears witness in a disciplinary case, his/her anonymity will be honored by the school	Assist the school staff in running a safe school for all students enrolled therein

It is the Student's Right to:	It is the Student's Responsibility to:
Be represented by an active student government selected by free school elections	Take an active part in student government by running for office, or voting for the best candidates; making his/her problems known to the staff through his/her representatives
Assist in the making of school rules	Assume that until a rule is waived, altered or repealed that it is in full effect

A Guide to Rights and Responsibilities in South Dakota, Dept. of Public Instruction, Pierre, S.D. 57501

New York State Dept. of Education: Grievance and Appeals Procedures

GRIEVANCE AND APPEALS

A grievance is simply any situation occurring in the course of the school's operation which causes a student to consider himself aggrieved. Students should be encouraged to discuss their grievances informally with the persons involved, prior to invoking formal grievance procedures. However, it is desirable for schools to provide mechanisms for the expression and resolution of grievances which cannot be resolved through informal discussion. Although the diversity of schools and school districts within New York State does not lend itself to a uniform grievance procedure, the suggestions which follow could serve as guidelines for establishing grievance procedures in local schools.

The Grievance Committee

A grievance committee could be formed, consisting of

- two parents selected by the PTA or other parent representative group in the school;
- two students elected by the student body;
- two faculty members elected by the faculty; and
- two representatives appointed by the principal. These representatives need not be administrators.

All members of the school community would be informed of the committee's existence and membership. A list of grievance committee members would be permanently posted on bulletin boards.

Any student with a grievance could communicate his concern in writing to any member of the grievance committee, who in turn would bring the grievance before the committee for consideration. The committee would have the responsibility of carefully investigating the alleged grievance, and reporting its findings and recommendations to the school principal. The principal would be responsible for taking action in regard to the committee's recommendations and/or referring the matter to the superintendent for action on his part.

An Alternative Procedure

Some alternative procedures provide for review of grievances at various administrative levels, within prescribed time limits. One model functions as follows:

The first step involves submission of a grievance in writing to the principal, unless the grievance directly involves the principal or one of his policies, in which case the student might wish to file his grievance with the superintendent of schools. When a grievance is filed with the principal, he would call a meeting of personnel appropriate to the grievance, with student and staff representation permitted in accordance with preestablished rules. The principal is expected to resolve the matter equitably within a stated time period following the meeting and to communicate his decision in writing to all parties to the grievance. Failure on the part of the principal either to call a meeting or to render a decision within the designated time constitutes the basis for an automatic appeal to other specified administrative levels at which similar time and administrative patterns are followed.

Guidelines for Student Rights and Responsibilities. The U. of the State of New York, Albany, N.Y. 12234

Such grievance procedures usually employ a principal-superintendent-board of education appeal route.

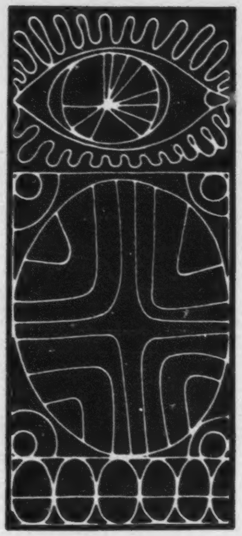
Although levels for appeals would vary somewhat within the different structures of school districts in New York State, the conception of the grievance procedure could be applied to any of these structures. Final appeal in New York State is to the Commissioner of Education.

The Ombudsman

The institution of the ombudsman has received increasing attention during recent years as a means of humanizing bureaucracies, including the educational variety (for example, see Seymour P. Lachman and David Bresnick, "An Educational Ombudsman for New York City?" *School and Society*, vol. 79, No. 2332, March 1971). The ombudsman could work within the context of any number of grievance procedures adopted by local schools.

The ombudsman would be a prestigious person selected to investigate possible injustices within the school community, either on his own motion or upon the complaint of a member of the school community. Depending on the nature of the problem, the ombudsman could either channel complaints to appropriate school officials, or conduct his own investigation and issue recommendations. His recommendations could help to build trust within the school community by quickly exonerating any who might be unjustly or accidentally accused, and bringing to light and helping to remedy injustices which might exist. The ombudsman's effectiveness would require access to all school records, and the cooperation of all members of the school community.

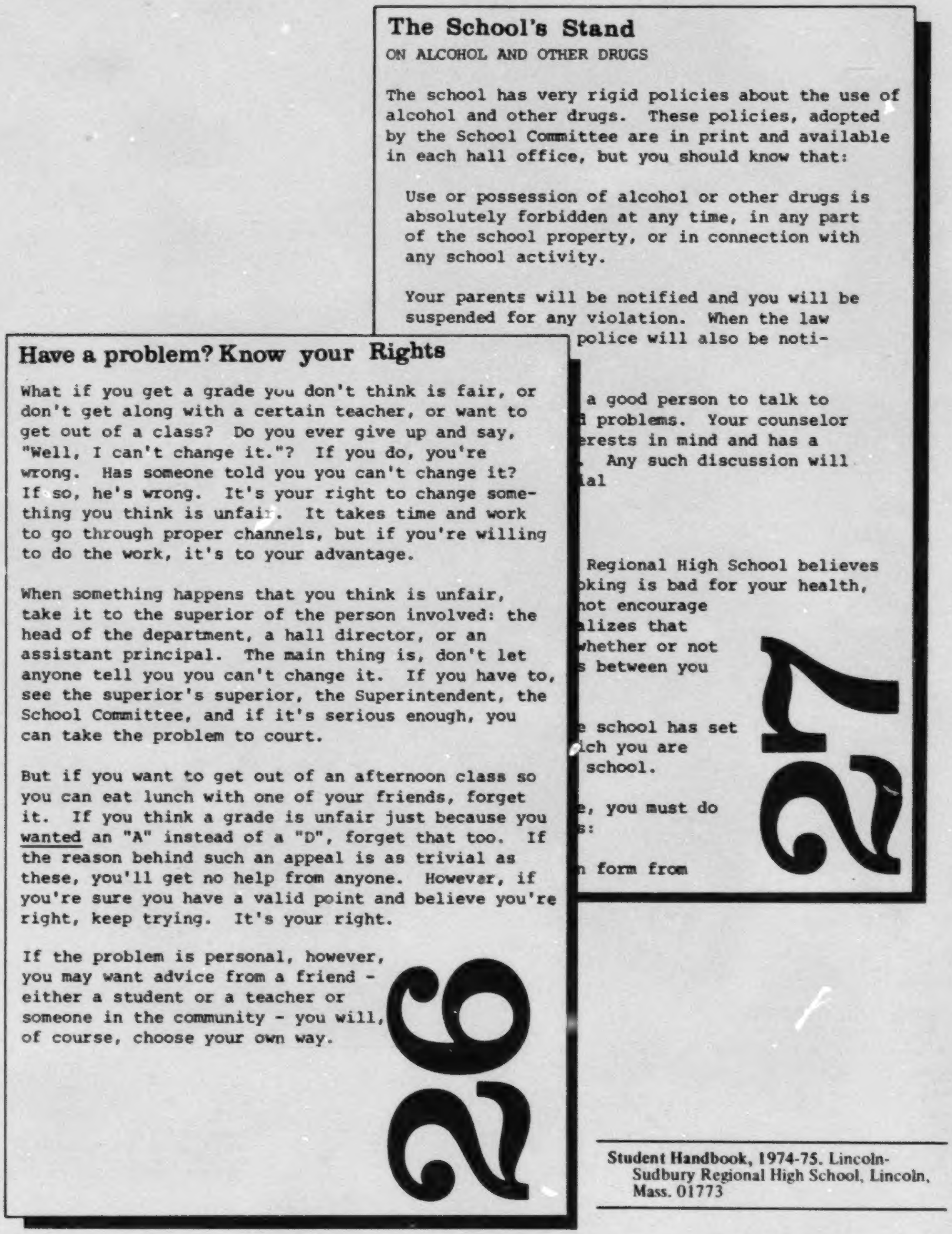
Although the ombudsman would have no administrative power to take disciplinary actions or to countermand official orders, he would need to occupy a position of high status in the school community. His status would be best reflected by the respect and trust in which his office is held by all segments of the school community.



Appeals to the Commissioner

It is hoped that grievances will be resolved by local grievance procedures such as those outlined above. When these procedures do not lead to resolution, however, "any person conceiving himself aggrieved may appeal to the Commissioner of Education who is . . . authorized and required to examine and decide the same" (Education Law, section 310). The Commissioner of Education will hear an appeal only when there is an actual existing controversy between the parties involved. He will not hear appeals which seek only advisory opinions.

Appeals to the Commissioner are governed by specific provisions of The Regulations of the Commissioner of Education. Information concerning these procedures may be obtained from the Office of Counsel, State Education Department, Albany, New York 12234.



Have a problem? Know your Rights

What if you get a grade you don't think is fair, or don't get along with a certain teacher, or want to get out of a class? Do you ever give up and say, "Well, I can't change it."? If you do, you're wrong. Has someone told you you can't change it? If so, he's wrong. It's your right to change something you think is unfair. It takes time and work to go through proper channels, but if you're willing to do the work, it's to your advantage.

When something happens that you think is unfair, take it to the superior of the person involved: the head of the department, a hall director, or an assistant principal. The main thing is, don't let anyone tell you you can't change it. If you have to, see the superior's superior, the Superintendent, the School Committee, and if it's serious enough, you can take the problem to court.

But if you want to get out of an afternoon class so you can eat lunch with one of your friends, forget it. If you think a grade is unfair just because you wanted an "A" instead of a "D", forget that too. If the reason behind such an appeal is as trivial as these, you'll get no help from anyone. However, if you're sure you have a valid point and believe you're right, keep trying. It's your right.

If the problem is personal, however, you may want advice from a friend - either a student or a teacher or someone in the community - you will, of course, choose your own way.

26

The School's Stand

ON ALCOHOL AND OTHER DRUGS

The school has very rigid policies about the use of alcohol and other drugs. These policies, adopted by the School Committee are in print and available in each hall office, but you should know that:

> Use or possession of alcohol or other drugs is absolutely forbidden at any time, in any part of the school property, or in connection with any school activity.
>
> Your parents will be notified and you will be suspended for any violation. When the law
> police will also be noti-

a good person to talk to
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Regional High School believes
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27

Student Handbook, 1974-75. Lincoln-Sudbury Regional High School, Lincoln, Mass. 01773

Portland, Ore.—Double Feature

I. Suspension

Suspension temporarily removes from a student the privilege of attending school or school activities until a formal meeting with the parent to consider reinstatement. In special circumstances, a suspension may be continuted until some specific pending action occurs such as a court hearing, a medical evaluation, or a review by a probation officer. Suspensions are made by the principal or vice-principal with the approval of the principal and are not to be used in lieu of an expulsion.

Suspension procedures are as follows:

A. The student is informed that he is suspended, given the reason (or reasons) for the action, and sent home.
B. The parents are notified by telephone (if possible) of the suspension and reasons for the action.
C. A letter is directed to the parents, with a copy to the appropriate area director, stating the time, date, and the specific reasons for the suspension with procedures to be followed by the student and the parents for possible reinstatement.
D. The parent has the responsibility for contacting the school to arrange for a conference.
E. During the conference, the student's achievements as well as difficulties will be reviewed in efforts to determine additional steps that need to be taken by the school, the student, and the parent to insure his future success.

II. Expulsion

Expulsion denies the student attendance at school or school activities in any Portland school for the remainder of the school term. Expulsions are made by the principal usually upon the recommendation of the vice-principal.

Expulsion procedures are as follows:

A. The student is suspended pending investigation for a possible expulsion.
B. A report of the student's misbehavior and record is referred to the principal.
C. The principal will mail to the parent by certified mail, return receipt requested, and also by regular mail, a notice stating that the principal has received the report recommending expulsion and is presently reviewing the evidence presented.

In order to assure the safety and security of all students, as well as maintain a climate that is conducive to learning, responsible and considerate behavior and citizenship are required from all students. Abuses that most often violate these essential requirements and necessitate disciplinary action that may range from a conference with a teacher to an expulsion or exclusion are:

1. Disregard for attendance procedures as defined by law.
2. Insubordination, willful disobedience, or open defiance to school authority.
3. The use of alcohol, drugs, narcotics, tobacco in any form on or about the school premises or at any school activity.
4. Assaults, fights, extortion, setting of fires, setting off false fire alarms, bomb threats, vandalism, forgery, theft, and other such acts.
5. Profane language and or indecent gestures.
6. Persistent disruptive or abusive conduct that deprives other students of the right to learn.

CLEVELAND HIGH SCHOOL ATHLETICS POLICY

INTRODUCTION

Cleveland High School offers a full program of extracurricular activities at the freshman, junior varsity and varsity levels in football, basketball, baseball, track and wrestling. Other varsity sports are cross country, tennis, swimming, gymnastics and golf. Several of the latte are open to both boys and girls.

Every effort is made to afford any student the opportunity to participate if he has the required scholarship competency as well as a desire and willingness by hard work and self discipline to succeed in athletics. Team members are expected to practice good citizenship at all times, both in the classroom and on the field.

ELIGIBILITY

A. Grades:
A student must be passing in at least four (4) subjects at the close of each semester to maintain eligibility.

B. Quitting
A student may not quit one sport and enter into another during the same sport season without a review of the Athletic Board.

C. Athletic Participation:
A student dropped cut from one squad for disciplinary reasons may not enter another during the same sport season. A sport season ends with the last game or meet in P.I.L. competition. A student may not participate in any school sponsored sports activities until his equipment issue record has been cleared. The athletic towel fee must be paid prior to the first scheduled game or meet of each sport season. (A student who is a member of any of the school athletic teams may not participate on teams, in leagues or tournaments outside of the school during the same sport season.)

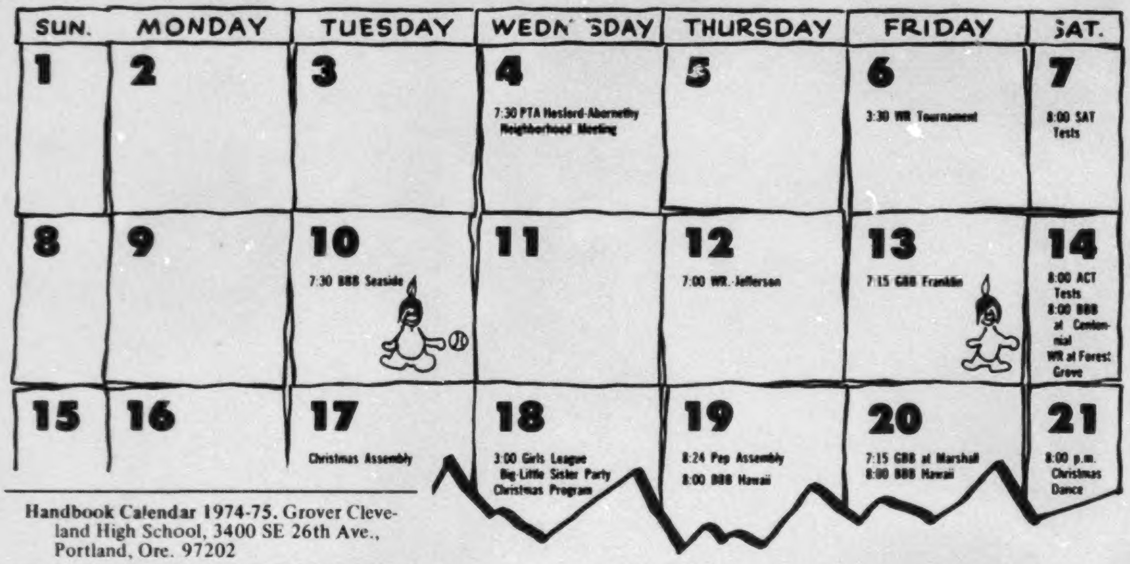
D. Absences from School:
A student who is absent from school for any part of the school day without a valid excuse may not participate in sports activities on the day of the absence unless cleared by the Vice-Principal or Athletic Director.

Violations: The athlete is subject to the rules and regulations of the school. However, the implementation of several parts of these athletic policies becomes the responsibility of the Athletic Board. The Cleveland High School Athletic Board is composed of the Athletic Director and the head coaches of each sports activity with the Administrative Vice-Principal to act as a consultant.

ATTENDANCE

The three legitimate reasons for being absent from school are personal illness, seriousness illness or death in the immediate family and days held sacred by parents.

Warranted excuses will be issued for serious family emergency, court summons and urgent necessity. A written excuse is to be brought from home and presented to the reg. room teacher upon return from an absence (part of the day included), and this note must be signed by the parent or guardian and must state the date of absence and reason for it. In case of illness or other emergency, students shall report to the Attendance Office to receive permission to leave the school. No student may be released from school without



SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT.
1	2	3	4 7:30 PTA Hosford-Abernethy Neighborhood Meeting	5	6 3:30 WR Tournament	7 8:00 SAT Tests
8	9	10 7:30 BBB Seaside	11	12 7:00 WR.-Jefferson	13 7:15 GBB Franklin	14 8:00 ACT Tests 8:00 BBB at Centennial WR at Forest Grove
15	16	17 Christmas Assembly	18 3:00 Girls League Big-Little Sister Party Christmas Program	19 8:24 Pep Assembly 8:00 BBB Hawaii	20 7:15 GBB at Marshall 8:00 BBB Hawaii	21 8:00 p.m. Christmas Dance

Handbook Calendar 1974-75. Grover Cleveland High School, 3400 SE 26th Ave., Portland, Ore. 97202

Minnesota: A 'Model' Bill

Appearance

Philosophical Basis

(1) Dress and hair length are the responsibility of the student and his parent. When dress and grooming disrupt the learning process for the individual student, other students, or the learning climate of the school, it becomes a matter of administrative action involving the student and/or parent.

(2) The total learning climate of a school is important to the educational welfare of students. It is believed that the teaching-learning process will flourish in an environment with as few constraints as possible.

Guidelines

Rights

(1) The district school board should reduce its policy on dress and grooming in writing and make such rules widely available to parents and students. Such rules must be clear and reasonable.

(2) Student dress and grooming should be the responsibility of the individual and his parents under the following guidelines:

Accompanying Conditions

(1) Dress and grooming should be clean and in keeping with health and sanitary practices.

(2) Students may not wear clothing or hair styles that can be hazardous to them in their educational activities such as shop, lab work, physical education, art, or on-the-job training.

(3) Dress and grooming should not substantially disrupt the educational process.

Assembly or Meetings

Philosophical Basis

The students' First Amendment right to free speech and assembly should be honored but may not substantially disrupt the educational process.

Guidelines

Rights

(1) Students should be permitted to hold student meetings on school property within the limitation applicable to all groups under MSA 123.36(5).*

(2) Students shall have the right to gather informally.

Rules for a Student Meeting

(1) Meetings should be scheduled in advance.

(2) Normal class activities may not be disrupted.

(3) The meeting shall not be such as may be likely to create a substantial danger to persons or property.

(4) If a crowd is anticipated, a crowd control plan shall be filed in the appropriate office well in advance of the meeting.

Rule for an Informal Gathering

Students gathered informally shall not substantially disrupt the educational process.

Attendance

Philosophical Basis

(1) School administrators must make every effort to enforce the compulsory attendance laws.

(2) One fundamental purpose for insisting on punctual, regular school attendance is to facilitate the normal conduct of the school.

Guidelines

Rights

A homebound teacher shall be provided for a student during long periods of illness.

Accompanying Conditions

(1) Students shall be punctual in reporting to school and to classes and shall attend regularly. Since absence from class is an important matter, clear local policies should spell out provisions governing both excused and unexcused absences.

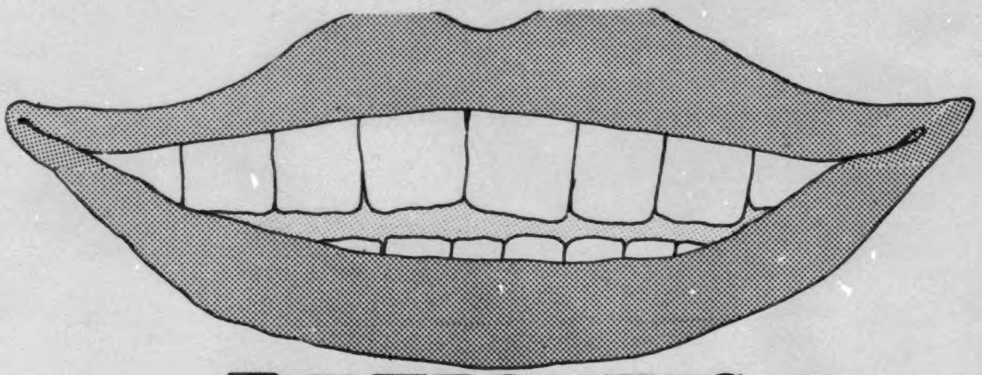
(2) Students may not attend school when they or others in the home have a communicable disease. Consultation with a physician is recommended.

---

* M.S.A. 123.36(5) states:
The board may authorize the use of any schoolhouses in the district for divine worship, Sunday schools, public meetings, elections, and such other community purposes as, in its judgment, will not interfere with their use for school purposes; but before permitting such use, the board may require a cash or corporate surety bond in a reasonable amount conditioned for the proper use of such schoolhouse, the payment of all rent and the repair of all damage occasioned by such use, and it may charge and collect for the use of the district from the persons using such schoolhouse such reasonable compensation as it may fix.
It may authorize the use of any schoolhouses or buildings in and of the district for the holding of primaries, elections, registrations, and all action in connection therewith in such manner as in its judgment, will not interfere with their use for suchool purposes. It may impose such reasonable regulations and conditions upon such use as may seem meet and proper.

Emerging Rights of Students: The Minnesota Model. Minnesota Dept. of Education, 714 Capitol Square, St. Paul, Minn. 55101

South Carolina—Hard To Categorize Items



LEFTOVERS

Here are some items dealing with responsibilities which don't really fit anywhere else. Most of them are taken from the State Department of Education's manual, Students' Rights. We pass them on to you.

Assault & Battery/Self-Defense - "You assault someone when you intentionally put the person in fear of personal injury; you commit battery when you intentionally harm the person." Note that battery always includes assault, thus "assault & battery."

"If you are threatened or attacked, you have the right to defend yourself, but only to the degree necessary to prevent or stop the attack on you. Be careful not to overreact and become the aggressor yourself, or you too will be liable for assault and battery despite the fact that you were attacked first.

"You cannot avoid criminal liability by agreeing to fight. Assault and battery is not only a crime against the person but a crime against the State since it disturbs the general peace." (Students' Rights, S.C. Dept. of Education)

Destruction of Property - "In addition to civil liability, you are criminally responsible for damages to persons and/or property caused by your malicious actions. Furthermore, your parents are also financially liable to a limited degree for your actions if you are seventeen or under, unmarried, and living with your parents. Entering a school building to destroy school records or actually destroying such records is a separate offense." (Students' Rights, S.C. Dept. of Education)

NOTE: "Malicious" means you did it on purpose, knowing it would make trouble.

Weapons - "You cannot carry on school property 'a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other weapon, device or object which may be used to inflict bodily harm.' It is also unlawful to carry or display a firearm in the area immediately adjacent to a school."

Bombs - Taking bombs to school is unlawful, which may not come as too much of a surprise. According to the Students' Rights handbook, "possession, or manufacture of bombs designed to damage a person or property is unlawful. Stink bombs are prohibited in public places. Bomb threats are criminal offenses, regardless of truth."

Health and Safety - "You are required to wear eye protective devices when participating in certain vocational/industrial shops or chemical/physical laboratories. (Your district is required to supply such devices.)" (Students' Rights, S.C. Dept. of Education)

NOTE: Protective devices should include devices to prevent long hair from creating a dangerous situation. If your school doesn't provide such devices, you may provide them yourself. The Fourth Circuit Court of Appeals has ruled that students may restrain hair with hairnets and headbands when it presents a safety hazard, rather than cutting it off.

Library Books - "Knowingly failing to return books borrowed from your school
library is
may be fine
of the rele
view in the
S.C. Dept.

Student Rights and Responsibilities in South Carolina. South Carolina Community Relations Program and the South Carolina American Civil Liberties Union, 401 Columbia Bldg., Columbia, S.C. 29201

Chapter 5

Farewell to Dress Codes: A Review of Longstanding Issues

Dress codes, those monuments to the 1950s when some of the "bigger" issues of school discipline involved pegged pants, leather jackets, see-through blouses and bird's nest hair-dos, are quickly fading from the nation's public schools.

Gone are most of the school dress and grooming codes like the one in Philadelphia that proclaimed in 1952 that "it has become apparent to teenagers, as it has to many people who work with them, that certain styles of dress and grooming are identified with antisocial behavior."

Among such styles so identified were dungarees, unpressed khakis, tee shirts, sweat shirts, "hobnailed or motorcycle boots", heavy zippered jackets and bulky sweaters for boys, and v-neck sweaters without blouses, low-cut blouses, off-the-shoulder blouses, shorts, slacks, "party-type dresses," skirts and dresses "too short and too tight" and "jewelry which is noisy, jingly or suitable only for evening wear" for girls.

The Philadelphia code, like many others across the country, also banned "extreme" haircuts, sideburns and goatees on boys, as well as "toothpicks or matchsticks tucked over the ear, or in the mouth," and it mandated that shirts must be worn tucked in and "belts must be worn where trouser loops are provided for this purpose."

It also admonished girls that "hair styles should be conservative, with no clips, pins, curlers or clamps," that scarfs must not be worn in class or in school, and that only "a minimum amount of perfume" will be tolerated.

To be sure, codes of dress and grooming still exist, but in a much more general and less prohibitive nature than the codes of the past. Many follow the general recommendations of many civil libertarian organizations, including the Maryland Civil Liberties Union, which recommends a code stating that "a student shall be free to determine his dress and grooming as he sees fit, as long as his appearance does not substantially and directly endanger physical health and safety, damage property or seriously and immediately disrupt the activities of others."

Asked for this Special Report if their schools or school districts still had student dress or behavior codes and what effect the codes had on student morale, educators replied as follows:

18 – No code/improvement

2 – No code/deterioration

21 – Code/improvement

26 – Code/no change

66 – No code/no change

Thus, 65% of the educators answering say they have no dress and behavior codes, and another 20% say that although they have such a code it does not improve student action and morale. Only 15% say a dress code improves the morale and actions of the student body.

A typical reaction was, "No code, good effect on morale," Carolyn L. Johnson, associate dean, Phillips Academy, Andover, Mass. Or a more explicit response, "There has been no serious deterioration of student morale and behavior that is directly attributable to the dress and behavior codes," Ralph Dixon, associate superintendent for instruction, Albuquerque (N.M.) Public Schools.

The average response cited the safety factor as the only one governing the length of hair, and clothing was limited by decency, no bare midriffs, etc. The noncodes said clothing which didn't actively disrupt the classroom was acceptable.

The current state of dress and hair codes, at least as far as the secondary schools are concerned, was summed up by Ivan Gluckman, legal counsel for the National Assn. of Secondary School Principals, in the December 1975 issue of the association's *Student Advocate:*

Too Short, Too Tight, Too Transparent

Once it was pretty clear – and rarely challenged – that school authorities could establish regulations on student dress, so long as the rules had a reasonable purpose and were fairly administered. Modesty, safety and protection of school property (by forbidding steel cleats on shoe heels, for example) were all regarded as reasonable. Besides, courts of the 1950s and early 1960s were generally unsympathetic to students' complaints about school rules.

Today's courts are more willing to listen, but they still support school dress restrictions if the school can prove that they are "reasonable." However, the rules must be based on better grounds than someone's idea of what girls or boys "ought" to wear or the fact that a school official doesn't "like" jeans.

Some items involved in recent court cases have been slacks and shorts (female students), blue jeans and overalls (anyone), tank tops (males), and anything that is too tight, too short or too transparent. Most courts still back up school rules that are designed to ensure some minimum degree of modesty – if not to prevent arrests for indecent exposure, then at least to prevent "disruption of the educational process."

Even in schools without a formal "code," the principal has authority to impose restrictions for the reasons given above, as long as they are applied fairly. Most school systems prefer, however, to develop a written dress code, often with student participation, so that students can know what's expected of them.

The War on Hair

If restrictions on student dress have been the source of school battles, hair has been the basis of outright warfare. It appears now as if the wars are dying down – but there are no clear victors. In some areas of the country, it seems that students have won, not so much because of

Idaho—What Can I Wear?

SECTION VII
DRESS AND GROOMING

Considerable controversy has arisen in recent years concerning the right of school authorities to control the type of clothing worn by pupils. There has been additional controversy over haircuts and beards.

a. Dress

The school should not impose limitations on dress in which fashion or taste is the sole consideration, even if a majority of the students have approved a school dress code.

b. Immodest Dress

In general, it has been held that no constitutional right is abridged by the requirement that a student must wear certain clothing while engaged in certain school activities. An Idaho Attorney General's Opinion has supported the board's right to require clothing appropriate for physical education classes.

On the question of the board's authority to repudiate immodest dress the Supreme Court of Arkansas ruled that the school board had the right to regulate apparel that is so extreme as to interrupt the school's decorum and favorable learning atmosphere.

c. Arm Bands and Freedom Buttons

The question is whether or not students may collectively protest or otherwise show their approval or disapproval within the legal framework of the school. It appears from the few cases on this point that they may so long as this activity does not disrupt the peaceful operation of the school. But when the dec discipline of the school is disrupted the board may take reasonable steps to unnecessary interruptions.

Recommended Guidelines for Student Rights and Responsibilities. Idaho State Board of Education and Idaho State Dept. of Education, 703 N. 18th, Boise, Idaho 83720 victories in court as because school authorities have given up the battle.

If a school's reason for regulating the length of boys' hair was to prevent disruption, it became difficult to maintain the rule when a third of the boys wore their hair long. In some schools, the appearance of a boy with a crew cut might have been the cause of a disruption!

Hair length and style *can* be regulated if the purpose of such rules is reasonably related to the health or safety of students or the protection of school property. Restrictions have been permitted where students work with machinery or where long hair might cause damage to swimming pool drains. However, in these cases, the courts have often accepted hair nets or bathing caps instead of requiring hair cuts.

Federal Courts Don't Agree

The most difficult cases have come up where schools have claimed that males' long hair (and sometimes beards or moustaches) disrupts students' education. Some students have claimed that such rules interfere with their Constitutional rights.

About half of the federal courts of appeal have refused to hear student complaints on hair that are based on constitutional rights. The other federal courts of appeal have accepted students' constitutional claims and ruled that the school districts' hair regulations were not important enough to override them.

Generally, the U.S. Supreme Court will take a case if the Federal courts of appeal disagree on the issue involved. However, the Supreme Court has refused every student "hair" case brought to it, so the question remains open to argument. However, the Court has shown interest in hearing a case in which a policeman has challenged a code forbidding his hair to go over his collar; the decision in this case may have an indirect bearing on school hair regulations.

Meanwhile, many schools have decided to forget the whole thing, and hope it will go away. (The preceding material is copyrighted by the National Assn. of Secondary School Principals.)

BURYING THE UNDERGROUND NEWSPAPER

And still another controversy of years gone by – the underground newspaper – apparently has passed into posterity.

But perhaps surprisingly, the reason wasn't censorship. Rather it was the lack of same.

As one principal put it: "We had a really strong underground paper, until we stopped censoring our school paper. That resulted in a rather raunchy paper for a few weeks, but eventually the underground paper stopped and the school paper leveled off into a pretty nice piece of work."

Reflecting the effects of the student rights movement in general and court decisions in particular, only 18 respondents out of 132 with school newspapers – 14 percent – said there was any prior censorship involved with school newspapers.

The results were as follows:

67 – No censorship board, good taste and libel laws are student guidelines

47 – Advisor to the students responsible for the content

18 – Principal acts as censor

8 – No newspaper

Answers to the questionnaire demonstrated that the First Amendment freedoms are often considered only with the publication of school papers, and not with theater, films, or other areas. This additional freedom of access to literature in different forms hasn't appeared to be a large issue within the student rights framework, but it might be another area of future concern.

For example, the censorship issue in Kanawha County, W. Va., was rarely discussed in the light of student rights or from the students' point of view, but it might have been. The conflict wasn't just between the school administration and the parents. It was fought over the students' right of access to learning materials. The American Library Assn., the Speech Communication Assn., the American Assn. of University Professors and the American Civil Liberties Union are all working on this area to clarify the issues and develop a code for a "Free and Responsible Communication in a Democratic Society."

On the specific issue of underground newspapers on school grounds, the replies were as follows:

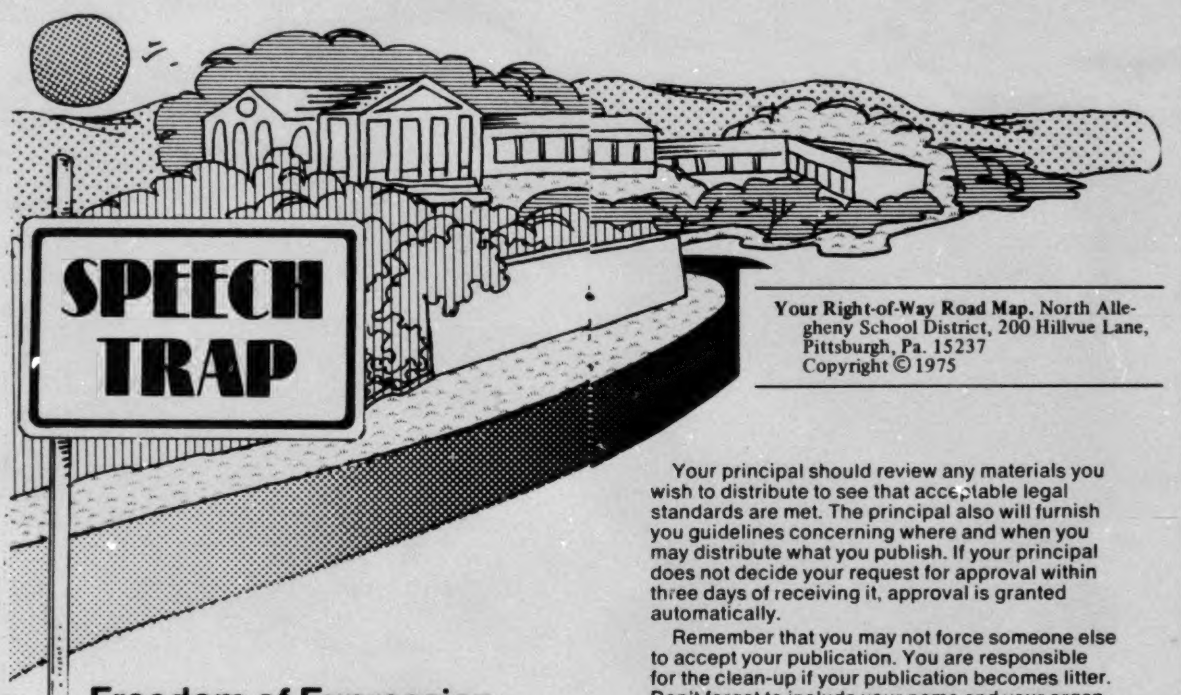
49 – Haven't had any problem in this area

31 – Not allowed

24 – Distribution cannot interfere with the normal school program

3 – No policy

Pittsburgh, Pa.—Freedom of Expression Defined



Your Right-of-Way Road Map. North Allegheny School District, 200 Hillvue Lane,
Pittsburgh, Pa. 15237
Copyright © 1975

Freedom of Expression

You have the responsibility to observe the following whenever you speak or write:

- Don't be obscene
- Don't ridicule or cause a person to be ridiculed
- Don't injure or smear a person's reputation
- Don't be the cause of unlawful behavior or of serious disruption to normal school operation

However, you do have the right to speak or publish and distribute your opinions, even if what you say or write turns out to be unpopular or controversial.

Your principal should review any materials you wish to distribute to see that acceptable legal standards are met. The principal also will furnish you guidelines concerning where and when you may distribute what you publish. If your principal does not decide your request for approval within three days of receiving it, approval is granted automatically.

Remember that you may not force someone else to accept your publication. You are responsible for the clean-up if your publication becomes litter. Don't forget to include your name and your organization's name, if any, on any publication you distribute.

Certain bulletin boards in your school building are for your use. See your principal for some common rules about how your material should be identified and how long it should remain on the bulletin board.

You and your friends also may hold your own meetings in the school because you have the right of peaceful assembly. To use your building, request a permit from your principal. To obtain the permit you must agree to take proper care of the building and not disrupt other school activities.

Thus, 75% of the respondents said they had no problems with underground newspapers, and the rest reported that even though such papers could be distributed if they appeared, none reported the actual incidence of the papers anyway.

So it would appear that underground newspapers on high school campuses generally have gone the way of pegged pants, pregnancy taboos and censorship of legitimate publications.

LOCKERS CAN BE SEARCHED

When it comes to access to student lockers, it looks like schools around the country are in accord that this is one "right" retained at the school administration level, provided there is an acute reason for a locker search.

Some schools and school districts have policies providing for the presence of a student if his locker is opened and searched. Others reported that if it is necessary a locker is opened without the student's presence.

Questions as to school policy on locker search brought the following replies:

23 – Access with student present and specific search target stated

12 – Access with third party present and specific cited

56 – Access at any time without student present, if emergency exists

18 – Special policy, no locks

8 – No policy

The issue of student locker privacy was most often answered by the following, "The principal, generally, will not invade this privacy unless he has good reason and justification for asking a student to open his locker. Generally his good reason would be a suspected weapon or controlled substance in the locker," said Eugene L. Bartkowski, director of pupil personnel services in the Buffalo, N.Y., public schools.

In general, opening was only used in an emergency situation, and then most often all attempts would be made to have the student present. The fact that the locker was school property, merely loaned to the student, was emphasized.

Another response (which also came from more than a dozen sources) was, "We have never had locks on lockers. We discovered, quite by accident, that we had fewer problems than many other schools," said John D. Strahan, principal of West Carrolton (Ohio) High School.

PREGNANT STUDENTS HAVE RIGHTS, TOO

The student rights movement has effectively chased still another former taboo from the education scene, by restoring the right to an education to a student who is pregnant.

It wasn't too many years ago that the pregnant student was expelled in disgrace, or at least suspended until after the baby was born, in most public schools around the country. But no more.

A survey for this Special Report revealed that a pregnant student has just about the same right to an education as does any other student, as long as a doctor is consulted.

Survey answers were as follows:

59 – Same as other students

57 – Same as other students, with doctors approval

36 – At home instruction available or required

16 – Special school available or required

12 – No policy

Michigan State Education Department: Guidelines for Search and Seizure

Guideline 8
Search and Seizure and Police in the Schools

Search and Seizure

CURRENT LAW AND PRACTICE

Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property guaranteed by the Fourth Amendment of the U.S. Constitution. That individual right, however, is balanced by the school's responsibility to protect the health, safety and welfare of all its students. The most relevant of recent court decisions uphold school official's actions in this regard, specifically recognizing the right of school officials to search student lockers when suspicion arises that something of an illegal nature may be secreted there.

SUGGESTED PROCEDURES

It is suggested the following determinations be made by school officials relative to the seizure of items in the student's possession and the search of the school property (locker, desk) assigned to the student.

1. **There is reasonable cause to believe that possession constitutes a crime or rule violation, or that the student possesses evidence of a crime or violation of law.**
2. **There is reason to believe that the student is using his/her locker or property in such a way as to endanger his/her own health or safety or the health, safety and rights of others.**
3. **There is reason or belief that there are weapons or dangerous materials on the school premises. As such school officials must retain the right to act — to search students' desk and/or lockers, and to seize in cases of emergencies — such as in the event of fire or a bomb threat.**

When locker checks are made in the exercise of fundamental school authority, students should be informed within the context of general school rules at the beginning of each term. In cases of clearly defined emergencies and the lack of availability of the students assigned to a locker, the principal or his designee(s) possess the authority to enter. The student, however, should be informed as soon as possible.

CURRENT LAW AND PRACTICE

This is a country of laws, designed to ensure fair treatment of all. Police have the responsibility to protect all citizens by enforcing the laws of the community. The school community should encourage and promote understanding and cooperation with the police. It is the duty of school authorities, students, teachers, parents and police to work cooperatively with each other to insure that the rights of each individual are respected.

Police in the schools are not necessarily an indication of trouble, disruption, or discontent. Police can enter the school upon invitation of school authorities. However, they may also enter if they posses evidence of a crime having been committed or if they have a warrant for arrest or search. Interrogation of students by police is to take place privately within the school and in the presence of the principal or his representative. Parents, and/or guardians are to be informed and should be present whenever possible. The Michigan Attorney General has stated:

1. "Law enforcement officers may be given access to school children on school property during school hours for the purpose of interrogation pursuant to a rule or regulation adopted by the board of education of a school district, subject to such conditions as the board of education in its discretion may reasonably impose."
2. "Law enforcement officers are empowered to arrest a person without a warrant, including children, in the case of a felony where the officer has reasonable cause to believe that the person has committed a felony or a misdemeanor committed in the officer's presence. A rule of the board of education of a school district which would permit (a) law enforcement officer to remove a student from the public schools only upon presentation of a warrant is not in accordance with law."

A Recommended Guide to Student Rights and Responsibilities. Office of School and Community Affairs, Michigan Dept. of Education, Box 420, Lansing, Mich. 48904

According to 80% of the sampling, pregnant students have the same rights as other students, modified only by a doctor's advice. Many schools offered alternative programs or home tutoring at no added cost, both at the student's option. A few said that the alternative school or homebound instruction was required, but this was a very small percentage.

A standard response was, "Pregnant students are encouraged to continue in school. However, those not wanting to remain are provided with homebound instruction," said J. Patrick Scmitt, director of pupil personnel, Minot (N.D.) Public Schools.

An opposite reply came from a Southeastern principal: "Pregnant students must withdraw immediately to special classes provided by the school system."

Many educators cited state laws requiring the schools to allow pregnant students either to attend regular schools or to provide other choices for the student. Still more said that their schools had very detailed programs for the pregnant student, including counseling, medical care and special transportation.

And in Philadelphia there is a program that provides prenatal care and regular school instruction for the expectant mother, then takes her and her baby back in a few weeks after birth, with the mother continuing her instruction and getting postnatal health care, and the infant being cared for and trained in a nursery in the same school.

IS A VD EXAM A STUDENT RIGHT?

There are still some very grey areas in the realm of student rights, and one of them is the right to a confidential examination for venereal disease or pregnancy.

Seventy-three percent of the educators queried responded that they either did not offer any such service or they referred students with these kinds of problems to local or county public health services.

The results were as follows:

68 – Do not offer such services or counseling

29 – Students referred to county or public health service

18 – School VD program

17 – School pregnancy program

Yet, the U.S. Public Health Service says VD is a rapidly growing problem among the nation's high school youth, with predictions of up to 60% of all teenagers now in high school contracting some form of VD before they graduate.

Still, it is an area where there is a considerable amount of disagreement as to where preventive counseling, and where that fails, treatment should be undertaken.

Urban school districts generally have long been involved in this kind of counseling. But it is a problem, like drugs 10 years ago, that is just now beginning to become serious in suburbia and even in rural schools.

Thus, the majority of schools have not geared up to deal with the problem. As one respondent put it: "The family should have some responsibility left."

Many educators still agree.

Chapter 6.

Suspensions: A Matter of Due Process

In 1975, the Supreme Court, in *Goss vs. Lopez,* erased any doubts about due process in the suspension of a student from school. It mandated that even in short-term suspensions of up to 10 days a student must be given oral or written notice of the charges against him, and he must be given a chance to present his side of the story.

Although previous state and federal court decisions had generally limited suspensions without due process to a maximum of 5 to 10 days, the Supreme Court ruled last January, by a 5-4 vote, that at least an "informal" or "rudimentary" form of due process must accompany any suspension.

Thus, as set by the Supreme Court in this case, the minimum requirements of due process concerning any suspension call for:

1. Some type of notice of the suspension and charges, either oral or written, given to the student, not the parent.

2. An explanation of the reasons for the suspension, immediately after notice is given.

3. If the student denies the charges, some explanation of the evidence against him and an opportunity for the student to explain his version of the incident.

4. The notice and hearing must precede removal from the school unless the continued presence of the student would pose a continuing danger to person or property or constitute an ongoing threat of disrupting the academic process.

5. In case the student is immediately removed from school, the notice and hearing must be held thereafter as soon as practicable.

The case involved nine Columbus, Ohio, high school students who had been suspended during a disturbance in 1971.

Writing for the majority, Justice Byron White said that students facing suspension from public school "have property and liberty interests that qualify for protection under the due process clause of the 14th Amendment." A student, he said, enjoys constitutional protection against "arbitrary deprivation of liberty" when a school "unilaterally and without process" charges him with misconduct, when such a charge could be held against him in future educational and employment opportunities.

Citing the 1969 *Tinker* decision which admonished schools that students do not "shed their constitutional rights at the schoolhouse gate," Justice White wrote that a state must recognize a student's legitimate entitlement to a public education as a "property interest" which "may not be taken away for misconduct without adherence to the minimum procedures required" by the due process clause of the 14th Amendment.

Citing the protection of a person's liberty under the 14th Amendment, Justice White held that a person has recourse to 14th Amendment protections "where a person's good name, reputation, honor or integrity is at stake because of what the government is doing to him."

The majority opinion said that requiring school officials to permit the student to tell his side of the story "will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect."

Again quoting Supreme Court precedent, White cited the 1954 *Brown* decision which held that "education is perhaps the most important function of state and local governments." Thus, White wrote, "total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child."

Writing the minority dissent, Justice William Powell claimed the decision "unnecessarily opens avenues for judicial intervention in the operation of our public schools that may affect adversely the quality of education." He called the majority opinion an "unprecedented intrusion" into school officials' right to suspend. He contended that protection under the 14th Amendment should only apply when a "severe detriment or a grievous loss" is involved, and a 10-day suspension, he said, is not severe or grievous.

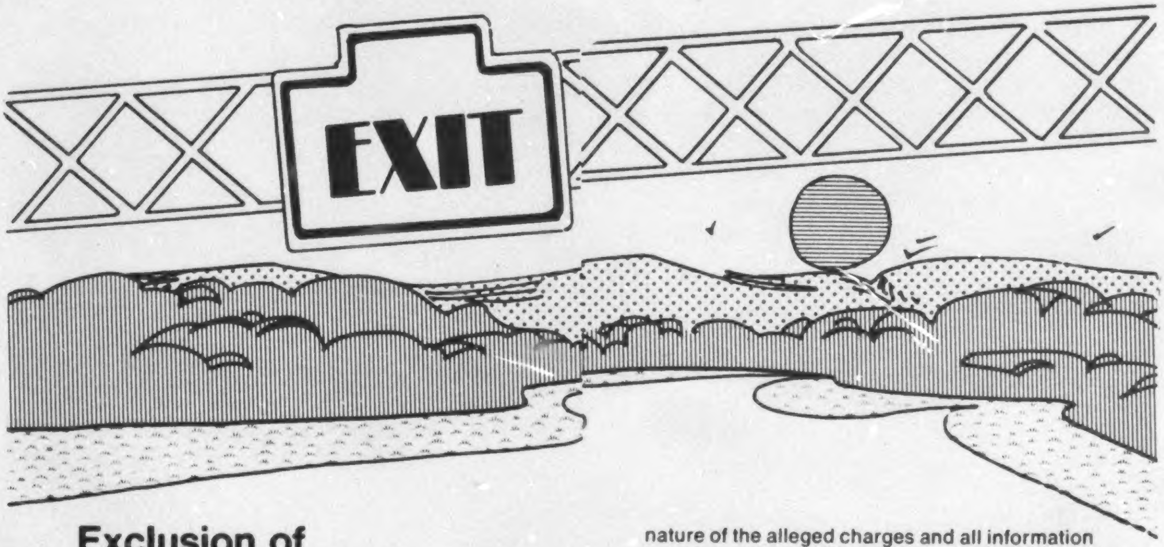
Many critics of the majority decision, including school board members and administrators, joined the four dissenting justices by raising the spectre of school officials so hampered by time consuming, quasi-judicial machinery that they are powerless to deal with even the most minor disciplinary infraction.

Yet, others contend that the court decision, in mandating that a child be told why he's being suspended and be given a brief moment to tell his side of the story, is requiring no more than most conscientious school officials have been doing all along.

They point out that he is not entitled to bring in an attorney, to confront and cross-examine adverse witnesses, or to call his own witnesses to testify. Furthermore, if he poses an immediate threat to the security and safety of the school he may be summarily suspended with the notice and hearing procedures to come after the suspension.

The U. of Denver's M. Chester Nolte, who is also president of the National Organization for Legal

Pittsburgh, Pa.—Why You May be 'Out'



Exclusion of Students from School

If you break school rules and create a bad scene, you may receive a temporary suspension, full suspension, or expulsion, depending upon the nature of your offense.

Your principal may temporarily suspend you for up to three days without a hearing. He is required to establish the facts, allow you to respond to the charges, and notify your parents or guardian if the suspension is imposed. He also will send a written notice of the suspension to both the Superintendent and your parents or guardian.

A full suspension may be issued for up to ten days. However, you must have an informal hearing conducted by your principal or Superintendent before a full suspension goes into effect. Prior to the hearing you and your parents or guardian must receive written notice stating the nature of the alleged charges and all information to which you are entitled in order to prepare properly for the hearing.

A suspension, whether temporary or full, may be served either in a supervised area of the school or in the custody and control of your parents or guardian, as your principal decides. You are permitted to make up exams and work missed while on suspension.

Expulsion is exclusion from school for more than ten consecutive school days, and it may be permanent. Expulsion proceedings require a public formal hearing before members of the North Allegheny School Board. Appropriate notices and all information to which you are entitled, including the right to legal counsel, will be furnished to you.

Any information or testimony concerning an
incident th
shall rema
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shall be re

Your Right-of-Way Road Map. North Allegheny School District, 200 Hillvue Lane, Pittsburgh, Pa. 15237
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Problems in Education (NOLPE), contends that "for most of us the *Goss* ruling ensures more confusion than ever." The ruling, he writes in *The American School Board Journal*, "turns out to be not so clear-cut, not so decisive, and certainly not so sure a solution to the problem as some school people might like to have seen."

Nolte said the Supreme Court, "caught on the horns of a real dilemma" between the forces demanding full due process and the forces contending that school officials should retain the right to suspend, "split the difference, giving students some right to be heard, short of the full panoply of due process guarantees, which take so much time."

The result, he says, will be a lot of future litigation, particularly on the question of what constitutes an "immediate threat" and gives the school official the right to suspend without due process. Also, he says the door is still open for a future High Court ruling granting full due process procedures for a suspension of more than 10 days.

Nolte says that "thoughtful school board members and school administrators probably will find it easy to sympathize with Justice Powell. There *is* a need to put this problem to rest. And of course the best way to accomplish this is for school boards to assert their dominance in the area of ensuring student rights. Until that happens, plaintiffs will continue to press upward for redress of grievances that are not remedied at the local level.

"For all its vagueness, disjointedness and seeming contradictions," Nolte continues, "the 'minimum' due process requirements for students which the Supreme Court has now laid down in *Goss* must somehow be made to work."

If not, he cautioned, "the cure prescribed in a future ruling is likely to be more painful than the disease."

CHILDREN OUT OF SCHOOL— 'WE OWE THEM MORE THAN NOTHING'

As courts crack down on suspensions without due process, they crack down on what one group calls "a national problem . . . that can have devastating effects on children."

The group, the Children's Defense Fund (CDF) of the Washington Research Project, Inc., Washington, D.C., is a child advocacy organization set up "to improve the conditions of American children through public information, research, administrative agency monitoring, litigation and through technical backup to local groups working with children."

Alarmed by 1970 Census data that showed two million children out of school between the ages of seven and 17 in the United States, the CDF embarked on its own survey of why these children weren't in school.

CDF representatives visited some 8,500 households in 17 school districts in 9 states and the District of Columbia and talked to families of 7,483 children from 7 to 17 years old, as well as 300 school officials and community leaders.

They found, according to two CDF reports, *Children Out of School in America* and *Suspensions: Are They Helping Children*, that "an area of some of our most alarming findings was school discipline and the incredibly frequent use of suspensions."

According to CDF spokesperson Cindy Brown: "We found in our out-of-school study and in subsequent research and interviews that one of the most common mechanisms excluding students from school was some disciplinary practice – call it suspension, voluntary withdrawal, temporary dismissal or a cooling-off period.

"We found that most of these disciplinary exclusions were discretionary acts hidden from public view with few procedures in their routine used to ensure fairness, to gather all the facts, to review the decision, or to help identify or remediate the disruptive act precipitating the exclusion.

"We also found," she said, "that too many school officials no longer thought about why they suspend children or whether many of the suspensions were necessary, made educational sense, or served the best interests of students. In many cases, shortterm disciplinary exclusions added up to a significant loss of schooling and caused many youngsters to drop out of school permanently."

Brown said the CDF survey showed school suspensions to be a "national problem" by which, according to the U.S. Dept. of Health, Education, and Welfare's Office of Civil Rights (OCR), more than one million school children were suspended at least once in school districts with slightly more than half the nation's school population during the 1972-73 school year.

These suspensions, she said, resulted in the loss of over four million school days, or 22,569 school years.

Furthermore, Brown said, "children are more likely to be suspended if they are black, male, poor, older and live in female-headed households," and the OCR data showed, she added, "that black school children were suspended at twice the rate of any other group.

"Some will claim that disproportionate suspension of black children simply reflects their disproportionate misbehavior," she said, "but we reject this view. Our data and interviews show that disproportionate black suspension is part and parcel of a pervasive school intolerance for children who are different because of a number of characteristics."

"We found," the report states, "that if a child is not white, or is white but not middle class, does not speak English, is poor, needs special help with seeing, hearing, walking, reading, learning, adjusting, growing up, is pregnant or married at age 15, is not smart enough or is too smart, then, in too many places, school officials decide school is not the place for that child.

"In sum, out of school children share a common characteristic of *differentness* by virtue of race, income, physical, mental or emotional 'handicap' and age. It is as if many school officials have decided that certain groups of children are beyond their responsibility and are expendable. Not only do they exclude these children, they frequently do so arbitrarily, discriminatorily and with impunity."

Suspension, she said, "can have a number of devastating effects on children. Children already weak in studies may be doomed to failure. Instead of providing diagnostic or supportive services to misbehaving children with special needs, they are given no attention at all."

Also, she said, suspension is "a powerful stigma which follows a child far beyond school" and is "highly correlated with failure to complete school, and juvenile delinquency," and since exclusions from school "are often imposed arbitrarily and without due process, they can contribute to hostility in children about schools and instill disrespect for adult authority."

It is a "fundamental and indisputable premise," the report contends, "that total denying of schooling is an almost certain guarantee of failure in American society.

"We owe our children more than nothing," it says. "To continue to deny our children schooling or to give them as little as we can is so unfair to the children denied, and so costly to the rest of us in future dependency, as to be intolerable."

There are, Brown says, several steps state and local school officials can take to attack the problem head-on:

1. Limit suspensions to emergencies, to acts that are dangerous or pose a threat of imminent harm.

2. Create sound alternatives within schools, such as resource rooms, behavior contracts and even separate schools for children with special learning problems or needs.

3. Write and widely disseminate discipline policies which are developed by the total school community, including students, parents, teachers and administrators.

4. Always make suspension a last resort, exhausting "every less drastic means" to correct a child's behavior.

5. Flexible curriculum must be adopted to interest the many different kinds of students in a school or school district.

6. Prior hearing for emergency suspensions must be provided, with the ideal situation consisting of a hearing officer or a panel consisting of students, teachers, parents and administrators.

7. Violent or seriously disruptive children should not automatically be suspended. They should be removed from class temporarily, "but not just discarded. His or her problem should be diagnosed and treated."

"The solution," Brown contends, "is not the street. If we stopped pushing massive numbers of children out of school for trivial reasons, who are thereby more likely to get into trouble, perhaps our juvenile justice system could more effectively deal with those who genuinely need response in swifter and more effective fashion."

Many school districts are making serious efforts to answer critics such as the Children's Defense Fund as well as comply with the federal court decision in *Goss v Lopez* through the development of detailed disciplinary policies and practices. Illustrated on the following pages are how two Michigan educational agencies are meeting the challenge. The pages from the Jackson, Mich., student handbook provide a detailed description and definition of both rules and violations as well as a comprehensive outline of disciplinary procedures to be followed. The pages from the recommended guidelines for student rights policies from the Michigan State Dept. of Education presented suggested procedures for dealing with suspensions and expulsions.

Jackson, Mich.—Break the Rules? Here's What Happens

JUNIOR HIGH AND ELEMENTARY SCHOOLS

DISCIPLINE PROCEDURES

ALL STEPS TO BE FOLLOWED

Procedure A:

1. a. Notify parents by phone, certified letter, or message.
   b. Conference with administrator or representative and parties concerned.
2. Suspension until parent conference and/or three (3) day suspension at administrators discretion.
3. Notify superintendent and attendance supervisor.

Procedure B:

1. a. Notify parents by phone, certified letter or message.
   b. Conference with administrator or representative and parties concerned.
2. Mandatory suspension for five days. The superintendent and attendance supervisor shall be notified.
3. Revoke I. D. card.
4. In extreme cases, a recommendation for expulsion to superintendent of schools for presentation to the Board of Education.

Procedure C:

1. a. Notify parents by phone, certified letter or message.
   b. Referral to proper Police Authorities.
2. Conference with administrator and parties concerned.
3. Mandatory 5 day suspension. Notify superintendent and attendance supervisor.
4. Revoke I. D. card.

Procedure D:

1. a. Notify parents immediately by phone, certified letter or message.
   b. Notify proper Police Authorities.
2. Conference with administrator and parties concerned.
3. Mandatory 5 day suspension. The superintendent and attendance supervisor shall be notified.
4. Revoke I. D. card.

Procedure D: (cont'd)

5. A petition to the court shall be filed by the aggrieved party regarding criminal acts.
6. A mandatory recommendation for expulsion to the superintendent of schools for presentation to the Board of Education, to be held by the superintendent pending court action.

Procedure E:

1. a. Notify parents immediately by phone, certified letter, or message.
   b. Notify proper Police Authorities.
2. Conference with administrator and parties concerned.
3. A mandatory 5 day suspension. The superintendent and the attendance supervisor shall be notified immediately.
4. Revoke I. D. card.
5. If appropriate, a recommendation for expulsion to the superintendent of schools for presentation to the Board of Education.

Procedure G:

1. Ask person or persons to leave school premises.
2. Implement Trespass Law.

Procedure H:

1. Notify proper Police Authorities.
2. a. Notify parents immediately, by phone, certified letter or message.
   b. Conference with administrator or representative and parties concerned.
3. Mandatory indefinite suspension. Notify superintendent and attendance supervisor.
4. Revoke I. D. card.
5. Move for expulsion for remainder of school semester or school year.

There are circumstances under which any of the violations indicated, when considered in the context of the circumstances surrounding their occurrence and/or the students past behavior record, can lead to a recommendation for exclusion from school by way of suspension or expulsion.

MAJOR VIOLATIONS TO BE USED.

DEFINITIONS WITH DESIGNATED PROCEDURES.

1. Disorderly Conduct to Include Profanity and Obscene Behavior:

Conduct and/or behavior which is disruptive to the orderly educational procedure of the school.

First Violation	Procedure A.
Repeat Violation	Procedure B

2. Defiance of School Personnel's Authority:

Refusal to comply with reasonable requests of school personnel.

First Violation	Procedure A
Repeat Violation	Procedure B

3. Fighting:

Students who engage in physical contact for the purpose of inflicting harm on the other person. Words can constitute provocation.

First Violation	Procedure A
Repeat Violation	Procedure B

4. Malicious Remarks:

Each student has dignity and worth. Slurs will not be tolerated.

First Violation	Procedure A
Repeat Violation	Procedure B

5. Physical Assault:

Physical attack of one person, or a group of persons, upon another who does not wish to engage in the conflict, and who has not provoked the attack. A person who finds himself the victim of an assault has the right to defend himself against the attack in such a manner as to safeguard his person.

First Violation	Procedure C
Repeat Violation	Procedure D

6. Theft:

The taking of property not belonging to the student:

Minor First Violation	Procedure A
Repeat Violation	Procedure B
Major First Violation	Procedure C
Repeat Violation	Procedure D

7. Forgery:

Writing and using the signature or initials of another person.

First Violation	Procedure A
Repeat Violation	Procedure B

8. Destruction or Defacement of School Property:

The destroying or mutilating of objects or materials of the school. Restitution and/or repair will be made by the offending student.

First Violation	Procedure C
Repeat Violation	Procedure D

9. Smoking:

The use of tobacco, in any form, on school property.

First Violation	Procedure A
Repeat Violation	Procedure B

10. Gambling:

Participating in games of chance for the express purpose of exchanging money.

First Violation	Procedure A
Repeat Violation	Procedure B

11. Possession of Weapons:

The possession of any instruments, such as knives, clubs, guns, chains, and the like that can be used to inflict bodily injury to another person.

First Violation	Procedure A
Repeat Violation	Procedure C

12. Use of Weapons:

The use of any instruments, such as knives, clubs, guns, chains, and the like that can be used to inflict bodily injury to another person.

First Violation	Procedure E
Repeat Violation	Procedure H

13. Extortion:

The solicitation of money, or something of value, from another student, regardless of the amount, in return for protection, or in connection with a threat to inflict harm.

First Violation	Procedure E
Repeat Violation	Procedure D

JUNIOR HIGH AND ELEMEN

Student Rights and Responsibilities, Jackson Public Schools, Jackson, Mich. 49201

part 4

SUSPENSION OF STUDENTS AND PROCEDURAL DUE PROCESS[36]

CURRENT LAW AND PRACTICE

1. Authority of *School Code*

By the authority of Section 613 of the *School Code*, local school boards

> ". . . may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience, when in its judgment the interests of the school may demand it. . . ."

The Legislature in enacting this law did not define "gross misdemeanor," or "persistent disobedience."

2. Education as a Right

Confronted by this statutory authority, as cited above, school administrators are also faced by the conflicting knowledge made more apparent in recent years that public education, rather than being a privilege, is an important right. There are many problems experienced by school administrators pertaining to suspension and expulsion, particularly of students under the age of 16, regarding the legal and constitutional concept of procedural due process of law. Students who are in danger of being either suspended or expelled have shown an increasing desire, as supported by many courts, in being provided procedural due process; and while neither the *School Code* nor the State Board of Education has defined procedural due process for purposes of suspension and expulsion, there are, however, a number of component elements that both speak to and embody the concept of procedural due process.

In Michigan schools, expulsion, as the most serious school-initiated punishment, should be decided upon by the board of education upon recommendation of the superintendent and his subordinates MCLA 340.613; NSA 15.3613. However, the State Board of Education is in the process of developing a statewide process on student expulsion appeals procedures, with emphasis *only* on *procedural* due process.

Suspension, on the other hand, resists easy classification to a greater extent than expulsion and its subsequent processes. A suspension "for the remainder of the school year" may be for one day, one week, one month, and even a semester or longer. Similarly an indefinite suspension or suspensions made pending compliance with a given rule can obviously be for very short or very long periods of time. As mentioned earlier, procedural due process requirements will also vary depending upon the length of suspension.

SUGGESTED PROCEDURES

Elements of Procedural Due Process

The following are some of the elements of due process that should be considered:

1. **The timely and specific notice of charges against the student.**
2. **The student's right to question each member of the professional and school staff involved in or witness to the incident.**
3. **The student's right to present evidence in his or her behalf.**
4. **The student's right to an impartial hearing.**
5. **The student's right to confront and to cross examine adverse witnesses and to present witnesses in his or her behalf.**
6. **The student's right to be represented by qualified counsel at the hearing.**
7. **The student's right to a record of the hearing.**
8. **The student's right to appeal an unfavorable decision by the hearing panel to a higher authority.**

The elements noted above are the embodiment of a concept. However, there is obviously a great deal of substantive difference between a one-day suspension for being mildly insubordinate and an extensive suspension for persistent, recurrent disobedience. A student in danger of being suspended indefinitely — in other words, being deprived of his right to a public education — might well expect to receive

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[36] Though the law specifically authorizes the suspension and expulsion of students, and though the concept of such exculsions are similar, this section of the Guide attempts to deal primarily with the questions of suspension and procedural due process, since the State Board of Education is in the process of developing statewide expulsion appeals procedures.

all or most of the elements listed above prior to such action.[37] Indeed, one case[38] tried in U.S. District Court ordered a Michigan school district give an expelled student a hearing in accordance with the guidelines laid down in an earlier Federal case.[39] Those guidelines, the Court noted, included "notice containing a statement of the specific charges and grounds which, if proven, would justify expulsion under the regulations of the Board of Education; a hearing affording 'an opportunity to hear both sides in considerable detail' preserving the rudiments of an adversary proceeding; names of witnesses against the student; and, the opportunity to present to the Board his own defense."[40] A student being suspended for a short period of time, on the other hand, might receive adequate procedural due process by a conversation with the principal. Such a conversation would confront the student with the alleged rule violation and offer the student an opportunity to deny or rebut whatever evidence is offered against him.

It seems important to emphasize the flexibility of the concept of procedural due process. As one court has stated, "the hearing procedure required, will vary depending upon the circumstances of the particular case."[41] Another Federal District Court in Michigan declared that the principles of due process "are very flexible and *the degree of rigidity depends upon the gravity of the penalty* which may be imposed"[42] (emphasis supplied). As one Federal District Court noted, it is "clear that it [procedural due process] need follow no particular ritual. . . ."[43]

It would probably be best for local school officials to classify suspensions and resulting due process requirements in a uniform, districtwide fashion. For example:

Length of Suspension	*Who Suspends*	*Procedural Due Process Requirements*
1-5 school days	Principal upon delegation of authority of board of education	a. informal meeting with principal prior to suspension
		b. student presented with charges, evidence and witnesses, if any, against him
		c. student given opportunity to deny charges, rebut evidence and question accusers and witnesses
		d. unfavorable decision may be appealed to superintendent or his designee
6-10 school days	Superintendent upon recommendation of principal and with delegated authority of board of education	a. informal hearing with superintendent or person designated by the local school board
		b. student presented with charges, evidence and witnesses, if any, against him
		c. student given opportunity to deny charges, rebut evidence and question accusers and witnesses
		d. student entitled to present own witnesses or to be represented by an attorney
		e. unfavorable decision may be appealed to local board of education
More than 10 school days	Board of Education upon recommendation of superintendent	same as expulsion

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[37] *Vail v. Board of Education of Portsmouth School District*, 354 F Supp 592 (D NH, 1973).

[38] *Vought v. VanBuren Public Schools*, 303 F Supp 1388 (ED Mich. 1969).

[39] *Dixon v. Alabama State Board of Education*, 294 F2d150, 158 (CA 5), cert den 368 US 930, 82 SCt 368, 7 LEd 2d 193 (1961).

[40] *Vought v. VanBuren Public Schools*, supra, 303 F Supp. at 1393.

[41] *Davis v. Ann Arbor Public Schools*, supra, 303 F Supp. at 1393.

[42] *Godsey v. Roseville Public Schools*, US District Court, Eastern District, Michigan, Case No. 34988.

[43] *Davis v. Ann Arbor Public Schools*, supra, 313 F Supp. at 1227.

The Bottom Line: Corporal Punishment Upheld

In October 1975, the U.S. Supreme Court affirmed the right of school officials to inflict "reasonable" corporal punishment on pupils, as long as the pupil (1) knows beforehand what kind of misconduct will result in physical punishment, and (2) is told why the punishment is being administered.

The Supreme Court affirmed, without comment, in *Baker vs. Owen*, an April decision of the U.S. District Court for the Middle District of North Carolina, which had ruled that the paddling of an elementary school student was not cruel and unusual punishment, nor did it infringe upon the rights of the child's parents to bring him up according to their own procedures.

The lower court decision, by Judge J. Braxton Craven, held that although corporal punishment – "the swift and tangible wages for one's transgressions" – was not necessarily desirable, it was still a legally acceptable way of maintaining order in the classroom.

The decision placed limitations on the administration of corporal punishment, however, declaring that:

- The rules of behavior for a school must be communicated to all students.
- A student must be told why he or she is being spanked.
- The person administering the punishment must get approval from the school principal, but not necessarily from the child's parents.
- Another school official must be present during the punishment "to allow a student to protest, spontaneously, an egregiously arbitrary or contrived application of punishment."
- The school must provide to the child's parents, on request, a written explanation of the reasons for the punishment, the name of the person who administered it and the name of the second person present.

Warned the lower court decision: "Except for those acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience, corporal punishment may never be used unless the student was informed beforehand that specific misbehavior could occasion its use, and, subject to this exception, it should never be employed as the first line of punishment for misbehavior." The policy of an announced possibility of corporal punishment and an attempt to modify behavior by some other means – after-school detention, extra homework or some other punishment – will insure that the student has clear notice that certain behavior may subject him/her to physical punishment.

Children certainly have rights, he said, and parents also have the right to raise their children the way they wish, but both are outweighed, he held, by the school's need to keep order in the classroom.

Chapter 7

Student Records: A Matter of Privacy

> Schools typically maintain extensive and intimate information about pupils and their families for legitimate educational purposes including instruction, guidance and research. Necessarily, the collection and maintenance of information about a pupil or his family constitutes a potential intrusion of privacy. At the same time, society, by its approval of our educational institutions, legitimizes such intrusions, at least in those cases where the information collected can be demonstrated to be necessary for the effective performance of designated educational functions.
>
> There are clear indications, however, that current practices of schools and school personnel relating to the collection, maintenance, use and dissemination of information about pupils threaten a desirable balance between the individual's right to privacy and the school's stated need to know.

Thus the problem was stated succinctly by the Russell Sage Foundation as it convened 20 educators and lawyers in May 1969 at Sterling Forest, N.Y., to develop a set of guidelines for specific procedures to safeguard the privacy of pupil records in the nation's schools.

In the seven years since, these guidelines have led to sweeping state and federal legislation, as well as new local policies that have all but obliterated the problem of access to school district records.

The first part of the federal student privacy regulations has now been published. They appeared, little changed from the original draft, in the March 2, 1976, *Federal Register*. By this time, many schools had already quietly gone about trying to implement the law in good conscience. Some state departments developed manuals in response to questions from local districts, even though the federal law mandates no such state responsibility. By these combined efforts, many schools found that they were succeeding pretty well in adhering to the spirit, if not to each letter, of the law. That voluntary compliance, says Edward Gleiman, director of the Fair Information Practice Staff at HEW, is the key to correcting the practices which gave rise to the Buckley amendment, even more so than the threatened loss of federal funds.

Under the law, students, former students and parents of minor children are guaranteed access to official education records, the opportunity to challenge records they believe to be "inaccurate, misleading or otherwise inappropriate," and the right to a hearing should a conflict result. Written release is required before schools can release any data from which the student could be identified "with reasonable certainty."

Schools must provide parents and students over 18 with a list of the types of student records they maintain, allow inspection of such records, copies at "actual cost" of reproduction and respond to "reasonable requests for explanations and interpretations." Data which originates outside the school must be shown to the parent if it is part of the education records.

Although material classified by the school as "directory information" does not require written consent, the school must publish a list of what kinds of information it so designates and allow time for requests that it be withheld.

The federal legislation cites certain kinds of information which fall outside the definition of education records and thus are not open to inspection. These include records made by teachers and administrators for their own private use, campus police records and records of students 18 or older "created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional" for treatment purposes.

For a school to release or allow access to "personally identifiable information," it must each time have written consent specifying what records, why and to whom the material is available. No consent is needed to allow access by teachers and administrators in the same school with a "legitimate education interest," officials of other schools in which the student will enroll (with a copy of the records to the parent), and to certain officials and organizations for specified purposes (such as accrediting agencies and health authorities in emergency situations). Records must be kept showing who has had access to student data and the legitimate interest involved. Such third parties may not pass on such information without written consent.

Schools may not remove or destroy records after a student has requested to see them, but judicious housecleaning in advance is not prohibited – in fact, may be desirable from the standpoint of the student as well as the school. Although the great rush of student requests anticipated by some officials has not materialized in most areas, students are still drawn by curiosity, and perhaps fear, to see what is written about them. That they now have legal recourse to corrections of human error and inaccuracies on their records should work to the benefit of the school as well as the student in the long run.

Of 108 answers to the questionnaire for this Special Report, 101 respondents said they followed federal and state laws on the matter. Of the others, five said they had no policy and two reported they allowed no access to pupil records by outside agencies.

PHILADELPHIA GUIDELINES

Typical of the carefully drawn regulations now in force in most of the nation's public schools are the following policies excerpted from a lengthy and intricate set of guidelines adopted by the Philadelphia Board of Education:

ACCESS TO RECORDS

A. The School District shall provide parents or eligible students access to the education records of the student.

B. Access rights of parents or eligible students shall consist of:

1. The right to inspect and review the content of education records.
2. The right to obtain a copy of the education records at no charge. There will be a charge for obtaining any additional copies of the education records.
3. The right to a response from the School District to reasonable requests for explanation and interpretation of the education records.
4. The right to an opportunity for a hearing to challenge the content of those records.
5. If the material or document in the education record of a student includes information on more than one student, the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.
6. The right to bring a lawyer or parent advocate to review an education record.

C. Procedure for gaining access to records:

1. A parent or eligible student seeking access to education records, may make a request by telephone or in person if the custodian of the records desires. However, prior to the education records being shown the parent or eligible student must sign an official request form.
2. Access to the education records requested shall be granted as soon as possible but not later than 45 days after the receipt of a written request by the custodian of the education records.

RELEASE OF RECORDS

A. The School District shall not permit access to or release of education records, or personally identifiable information contained therein (other than directory information) without the written consent of the parent, or the written consent of an eligible student, including colleges and prospective employers. The School District of Philadelphia shall make available to other school districts to which a student may be transferred the education records of that student provided that a release signed by the parent or eligible student is sent to the School District of Philadelphia prior to the release of any education records.

B. Parties to whom education records may be released without parental consent or the consent of an eligible student are:

1. Other school officials of the School District of Philadelphia who have a legitimate educational interest. The education records are for the direct use of such school officials and may not be released or transferred by said school officials.
2. If such information is furnished in compliance with a judicial order or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the School District.
3. Authorized representatives of:
   a. The Comptroller General of the United States;
   b. The Secretary of the Department of Health, Education, and Welfare;
   c. The Commissioner and the Director of the National Institute of Education;
   d. State education authorities in connection with the audit and evaluation of Federally supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs.
4. In connection with a student's application for or receipt of financial aid. (For example: Social Security benefits.)
5. State and local officials or authorities to which such information is specifically required to be recorded or disclosed.

6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it is conducted.
7. Accrediting organizations, in order to carry out their accrediting functions.
8. Parents of a dependent student of such parents as defined in Section 152 of the Internal Revenue Code of 1954. Parents desiring access to records under this provision shall furnish the School District with proof of the dependent status of the student. Such proof may be provided by a copy of the income tax record or a notarized affidavit attesting to the dependent status of the student.
9. To appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons. Factors which should be taken into account in determining whether records may be released include:
   a. The seriousness of the threat to the health or safety of the student or other persons;
   b. The need for such records to meet the emergency;
   c. Whether the persons to whom such records are released are in a position to deal with the emergency; and
   d. The extent to which time is of the essence in dealing with the emergency.

C. Where the consent of parents or eligible students is required for the release of education records, the consent must:

1. Be in writing, signed and dated.
2. Specify the education records to be released.

3. Specify the reasons for the release of education records.
4. Specify to whom release of education records is to be made.
5. A copy of the education records to be released shall be provided to the parent or eligible student, if requested in writing by the parent or eligible student.
6. Where parents are separated or divorced, a written parental consent may be obtained from either parent, subject to any agreement between such parents or court order governing the rights of such parents.
7. In the case of a student whose legal guardian is an institution, a party independent of the institution shall be named, pursuant to law, to give a written parental consent required.

D. Release of "directory information":

1. "Directory information" means the student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent school attended by the student.
2. Directory information may be made public without the consent of parents or eligible students. (Family Educational Rights and Privacy Act of 1974, PL 90-247, as amended.)
3. Any parent or eligible student who does not want the School District to release directory information without the prior written consent of the parent or eligible student, must so notify the custodian of the education records within 30 days after the adoption of these Guidelines by the Board of Education of the School District of Philadelphia, and advertisement of the categories of directory information. This notification by the parent must be submitted initially and annually on an official directory information form.

E. Record of access:

1. The School District shall maintain a record, kept with the education records of each student, which will indicate all parties who have requested or obtained access to a student's education record and which will indicate specifically the legitimate interest that each such party has in obtaining this information.
2. Such record of access shall be available only to parents or eligible students, to the school officials and their assistants who are responsible for the custody of such records, and to persons and organizations authorized to see such records.

F. Destruction of Records:

1. No education record may be destroyed by the School District if a parent or eligible student has requested access to such record.
2. The School District maintains the right to pursue a policy of records management which involves destruction of some records under district policy guidelines.

G. Transfer of information by those gaining access to education records.
The School District shall not release personal information on a student, except on condition that the party to which the information is being transferred will not permit any other party to have access to such information without the written consent of the parents or the eligible student, and the School District shall so advise any party receiving such information by written statement.

HEARING RIGHTS

A. Parents of students and eligible students who are or have been in attendance at a school of the School District shall have an opportunity for a hearing to challenge the content of such student's education records.

B. The purpose of a hearing shall be to insure that the education records are not inaccurate, misleading or otherwise in violation of the privacy or any other rights of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data contained therein, and to insert into such records a written explanation of the parents and eligible student respecting the content of such records.

C. Expunging or correcting of records determined by agreement or by hearing of the ruling officer to be inaccurate, misleading or otherwise in violation of a student's right to privacy should be done in the presence of the parent or eligible student.

MAINTENANCE OF RECORDS

A. Student records are an essential part of the educational process. To serve this end, information about students which is required by law and which is considered necessary in accomplishing the educational goals and objectives of the Public Schools in promoting the welfare of the students, will be maintained. The collection and accessibility, dissemination and retention of these records will be controlled by School District policy and procedures designed to implement the primary task of the school while protecting individual rights of the students and preserving the confidential nature of the various types of records.

B. Records will be made available for inspection and review upon request.

C. A copy of the list of specific records by number, name and length of time kept will be available in each school office entitled Requisition, Official Forms and will be shared with parents.

D. Principals may designate the location of the student record file(s) in the building paying due attention to their safety and protection within physical limitations of the school. The principal or his designee is responsible for the security, privacy and use of student records.

COLLECTION OF DATA

A. The Superintendent of Schools is authorized to arrange for the administration of vocational interest inventories, aptitude tests, standardized and informal achievement tests, to groups of students or individual students and to report skill and knowledge outcomes in subject matter areas. The schools may also collect such data necessary to evaluate the effectiveness of educational programs and progress. Individual psychological and psychiatric examinations are given with written parental permission. The Superintendent and/or his designee is responsible for the selection and scheduling of standardized tests.

B. Parents and eligible students will be informed through a written notation of the reasons for gathering the data, as well as their right to review.

* * *

The Philadelphia policy was drawn up after lengthy hearings before the school board and was changed several times to satisfy the concerns of parents, community leaders, counseling teachers and administrators.

It also contains lengthy procedures for the proper conduct of both formal and informal hearings, descriptions of pupil records and the length of time they should be maintained, and samples of letters requesting information and records of inspection of pupil folders.

The full Philadelphia guidelines may be obtained by writing to Althea Cousins, Director of Pupil Personnel and Counseling, School District of Philadelphia, 21st and Parkway, Philadelphia, Pa. 19103.

Chapter 8

Title IX: Another Step Toward Equality

While it appears that many schools have heeded student input in altering dress and discipline codes, the more profound and permanent changes affecting civil liberties and curriculum are those codified by legislation and court decisions. Two of the most significant recent laws are the Family Education Rights and Privacy Act (FERPA) of 1974, known informally as the Buckley Amendment, which safeguards the confidentiality of student records, and Title IX of the Education Amendments of 1972, which mandates equal educational opportunity for the female half of the population.

Weinberger: 'We Can Wait No Longer'

Forbidding discrimination on the basis of sex in all federally assisted educational institutions, Title IX affects virtually every public school system, some 16,000 in all. Its ramifications range from physical education to vocational education, from counseling to scholarship awards. And while the regulations, which became effective July 21, 1975, stop short of citing guidelines for textbooks and curricular materials – on the rationale that to do so would pose questions of censorship under the First Amendment more properly dealt with at state and local levels – the Dept. of Health, Education, and Welfare (HEW) has affirmed its intention to

> . . . increase its efforts, through the Office of Education, to provide research, assistance, and guidance to local educational agencies in eliminating sex bias from curricula and educational material.

Those who greet the implementation of Title IX enthusiastically point to several features of the legislation which promise to effect basic changes in the nation's schools. The law requires recipient institutions to establish grievance procedures and designate a Title IX coordinator by July 1976, and threatens withdrawal of financial support or imposition of federally designated remedial measures for noncompliance.

Equally important is the requirement that by the end of 1976 institutions complete an evaluation of their educational programs to determine in what forms discrimination exists and begin to eliminate it. Contending that basic attitudes must be identified before they can be changed, former HEW Secy. Caspar W. Weinberger said much discrimination "exists unconsciously and through practices long enshrined in tradition." He said of the self-evaluation requirement: "No other provision of the regulation has more potential for ending sex discrimination in education than this, and I hope educators charged with carrying out this provision will do so in a spirit that fully embraces the real purpose of the law."

A schools' self-evaluation should be based on the underlying principle that students are to be treated without discrimination on the basis of sex. This means equal "access to and participation in course offerings and extracurricular activities, including campus organizations and competitive athletics," and use and enjoyment of facilities, services and financial aid. By special amendment, the membership practices of the Boy Scouts, Girl Scouts, Camp Fire Girls, YWCA, YMCA and certain other voluntary youth organizations are exempt. According to a February 1976 ruling by the HEW General Counsel, Girls and Boys State also come under the exemption.

In counseling practices and course offerings, no rule "concerning a student's actual or potential parental, family or marital status which treats students differently on the basis of sex" may be applied. Farewell to required courses in home economics and shop. A disproportionate number of one sex or the other in these and other classes will require action to insure that it does not result from discrimination in counseling. The guidelines prohibit such counseling practices as using sex-differentiated aptitude tests, advising students to take a course on the basis of sex ("every girl should know how to sew"), or making different vocational recommendations to boys and girls with comparable scores on the same test.

Another common area of discrimination has been vocational education. A school will need to determine, for example, whether job placements in work-study or cooperative education programs or other placement services are nondiscriminatory. And attention is to be paid to the way occupations are portrayed at career days and in prevocational exploration programs in elementary and middle grades.

Although regional offices of the Office of Civil Rights (OCR) are offering general assistance to school districts, HEW has issued no specific guidelines for the self-study. At a session on "Implementing Title IX" at the National Assn. of Secondary School Principals (NASSP) 1976 convention, the following were listed as having developed materials for self-evaluation:

- Los Angeles Unified School District, P.O. Box 3307, Los Angeles, Calif. 90051;
- Title IX Task Force at Florida A&M U., distributed by the Florida Desegregation Consulting Center at the U. of Miami (University Station, Coral Gables, Fla. 33124);
- KEDS General Assistance Center at Kent (Ohio) State U. (Main Campus, Kent, Ohio 44242).

In addition, a set of three executive handbooks published by the American Assn. of School Administrators (AASA) dealing with sex equality, the NASSP bulletin *Sex and the School Principal* and other NASSP publications, were recommended.

By and large, however, school districts will be developing their own self-evaluation plans, aided perhaps by materials prepared previously to ascertain other kinds of discrimination. As one OCR administrator pointed out, many schools' administrative policies are erratic.

By far the most emotionally charged issues raised by Title IX are those relating to physical education programs and athletic competition. Although the general rule that physical education courses be coeducational remains unchanged, considerable public comment helped shape the final regulations.

- Within classes, the sexes may be separated for sports such as wrestling, boxing, ice hockey, rugby, football, basketball and "other sports, the purpose or major activity of which involves bodily contact."
- Ability grouping by objective criteria is permitted, even if one sex predominates in the resulting groups.
- If a single evaluation standard has an "adverse effect" on members of one sex, schools may use appropriate standards which do not. (e.g., Different standards may be used for different ability levels, but separate standards for boys and girls within that level are not allowed.)
- The sexes may be separated in classes dealing "exclusively with human sexuality."

Determining whether equal opportunity exists in "athletics" (i.e., "sports which are a part of interscholastic, intercollegiate, club or intramural programs") involves both judgment and interpretation. HEW suggests that the following factors be considered:

SR&R

'A Workbook for Action'

To help community groups and individuals monitor the schools' compliance with state and federal regulations prohibiting sex discrimination in the public schools, the Education Law Center, a nonprofit public interest law firm funded by the Ford Foundation, has published *Eliminating Sexism in Public Schools: A Workbook for Action.* The 60-page workbook is available for $1.50 from the Center, Suite 800, 605 Broad St., Newark, N.J. 07102.

√ The sports selected must reflect the interest and abilities of both sexes

√ Provision of supplies and equipment

√ Game and practice schedules

√ Travel and per diem allowances

√ Coaching and academic tutoring opportunities

√ The assignment and pay of coaches and tutors

√ Locker room, practice and competitive facilities

√ Medical and training services

√ Housing and dining facilities and services

√ Publicity

Schools may have to establish girls teams for sports involving competitive skills or bodily contact if interest is high enough, or open the single team to both sexes if it is not a contact sport. Separate teams must be comparably equipped, but equal aggregate expenditures for each sex are not required. Title IX preempts any conflicting state or local laws and athletic conference regulations.

Although both elementary and secondary schools are expected to comply with Title IX regulations "as expeditiously as possible," elementary schools are expected to be in full compliance in one year; secondary, in three. In fact, many elementary schools have been meeting Title IX demands for some time. Emphasis on movement exploration in physical education programs and allowing students greater freedom of choice in selecting activities fit in with the humanistic ideas now current. The longer adjustment period is permitted at the secondary level in recognition of the "wider skill differential attributable to the lower levels of training available to girls in many schools."

Secondary schools have potentially greater inequities to correct, both in regular offerings of competitive sports and physical education classes, and in the facilities and equipment these require. Although some expansion of girls sports had resulted from student and parental demands before Title IX took effect, the logistics of providing truly equal opportunities for girls comes back to a shortage of two crucial ingredients, money and qualified women coaches, says Marjorie Blaufarb, editor of the American Alliance of Health, Physical Education and Recreation's *Update*. Most of the resistance to the consolidation of boys and girls physical education departments, she says, comes not from students, parents or even administrators, but from teachers – often women teachers – who are directly involved. She cited the example of a large school district as one possible reason for this resistance. When 55 persons were named as heads of newly consolidated athletic departments, 49 were men. This result is partly attributable, Blaufarb says, to "qualifications" presumably evidenced by characteristic titles: men are athletic "directors"; women, merely "coordinators" of girls sports.

As one observer noted, this is only one of those "practices long enshrined in tradition" which present a challenge for administrators implementing Title IX. The key seems to be, he noted, to look "not at what has been, but what should be; not at what is 'appropriate', but what is right."

A statement by Weinberger accompanying the release of the final regulations affirmed HEW's intent to enforce Title IX "in a constructive spirit." For those schools "already moving in good faith to end sex discrimination," he said, "Title IX, as we propose to administer it, can only help."

Chapter 9

Student Rights and Personal Liability, Too

The case began as a challenge to a school board's right to expel students without due process, yet it culminated in a U.S. Supreme Court decision on the personal liability of school board members that shook boards of education from coast to coast.

The decision evolved from the expulsion of three students by the Mena, Ark., board of education for spiking the punch at a school dance, despite pleas for clemency from the youngsters' teacher and principal.

The school board made its original decision at a meeting to which the students, their parents and their attorneys were not invited; then it met two weeks later, this time with the students, parents and attorneys, and reaffirmed the decision to expel the students for the final three months of the school term.

The students brought suit claiming that their civil rights had been violated, that the school board did not have sufficient evidence that the amount of alcohol in the punch actually made it intoxicating, and that under a section of the Civil Rights Act of 1871, preventing public servants from violating the civil rights of their constituents, the board members were liable to monetary damages.

The section – Section 1983 – reads as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law, suit in equity, or other proper proceeding for redress.

For more than 100 years, the interpretation of the section had generally been that a showing of malice was necessary before monetary damages could be awarded, and that an action made in ignorance of the law was not liable.

But in February, 1975, by a 5-4 decision, the U.S. Supreme Court, ruling in *Wood vs. Strickland*, changed that interpretation dramatically.

The court ruled that ignorance of what a student's constitutional rights are is not always a valid defense, and that school board members cannot be considered absolutely immune to payment of damages if they knew, or reasonably should have known, that the actions they took would violate the constitutional rights of a student, just as if they *had* taken the act with malicious intention.

The majority opinion, again written by Justice Byron White, said that an act violating a student's constitutional rights can be "no more justified by ignorance or disregard of settled, indisputable law than by the presence of actual malice."

Yet the majority ruling was carefully tempered to make it clear that such liability would hold only in the most blatant disregard of constitutional rights.

Said the court: "A compensatory award (for damages) will be appropriate only if the school board member has acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith."

This standard, the court said, "neither imposes an unfair burden upon a person assuming a responsible public office requiring a high degree of intelligence and judgment for the proper fulfillment of its duties, nor an unwarranted burden in light of the value which civil rights have in our legal system."

In making their decision, the majority conceded that "there must be a degree of immunity if the work of the schools is to go forward; and, however worded, the immunity must be such that public school officials understand that the action taken in the good-faith fulfillment of their responsibilities and within the bounds of reason under all the circumstances will not be punished, and they need not exercise their discretion with undue timidity."

In no way, the court said, would a school board member be "charged with predicting the future course of constitutional law." Rather, he would merely be expected to know the "basic unquestioned constitutional rights" of students.

Maybe so, but the minority decision, written by Justice William Powell, himself a former school board member, concludes by stating: "In view of today's decision significantly enhancing the possibility of personal liability, one must wonder whether qualified persons will continue in the desired numbers to volunteer for service in public education in this country."

And there are educators from coast to coast who agree with Justice Powell.

"I'm afraid we might lose some good school board members who fear capricious lawsuits," said California State Supt. Wilson Riles in response to a survey by the *Successful School Administrator* newsletter.

"The court's decision," said Harold P. Seamon, executive director of the Illinois Assn. of School Boards, "could well result in school boards constantly looking over their shoulders and avoiding decisions that could in any way make them personally liable."

Frank Dick of Toledo, Ohio, a superintendent and president of the American Assn. of School Administrators, said the decision was "another example of the courts moving in to direct management of the schools. This represents an erosion of local control," he said, "and it is thus a matter of grave concern to educators and boards of education."

Others, however, disagree.

Says Darld J. Long, executive director of the Utah School Boards Assn.: "Boards certainly must act more in the future on the basis of clearly defined and legal policies and not on the basis of a whim of the moment."

Adds Philip Swain, past president of the National School Boards Assn., and a member of the Seattle school board: "The decision should have no effect on boards that have followed thought-through policies."

Concludes *The American School Board Journal:* "School officials who refuse to make the connection between precedent-setting Supreme Court decisions and their own school policies and actions are setting themselves up – Humpty Dumpty style – for a great, and perhaps personally expensive, fall."

NOLPE's M. Chester Nolte, writing in *The American School Board Journal,* offers school board members a checklist of precautions to follow when dealing with student rights. "Keep in mind," he cautions, "that a citizen who is entitled to due process generally enjoys these guarantees under the 14th Amendment:

- Written charges specifying the rule that allegedly has been broken, together with disclosure of the information the school board has at its disposal to prove its charge.

- Invitation to an open hearing on the merits, with sufficient time given the student to prepare a defense, and to meet the charges made against him or her.

- A full and impartial hearing for the accused, represented by counsel, with the chance to face his accusers and to refute the charges against him, to call witnesses in his own behalf and to cross-examine witnesses on the school board's side.

- A written transcript of the proceedings if requested.

- The right of appeal to higher authority.

"This is by no means to imply that in every case must all of these rules be followed," Nolte says. "It *is* meant to say, though, that the more serious the punishment, the more careful must the school board be to see that due process is safeguarded at *every* step of the process.

"Finally," he adds, "school boards can (and I believe should, for their own protection) encourage their administrators and teachers to be child advocates, giving lie to the canard – often used successfully by plaintiffs – that school officials traditionally are authoritarian, arbitrary and unilateral in their procedures."

Chapter 10

Student Government: Change? Not Much

During the 1960s, as the college demonstrations spawned by the war in Vietnam were spilling over onto high school campuses throughout the country, the universal cry was for more student rights. And the universal complaint from those opposed to the granting of those rights was that the students would "take over" the schools and the result would be chaos.

Well, the rights are with us now in the majority of the nation's public schools, but has there really been much of a change? Will education be different forevermore? Have the kids changed the curriculum and the instructional process?

Hardly, says Kenneth K. Hansen, director of secondary education in the Omaha, Neb., public schools:

> Upon superficial examination one might believe that schools generally have undergone remarkable changes resulting from the clamor for student rights. The adjustments, however, have too often been in response to court judgments or litigation and have treated only symptoms rather than root causes. The abolition of dress codes, dropping of hair style regulations, and granting greater freedom and increasing informality in the school setting have all contributed to a more relaxed atmosphere. The recognition of due process for students and teachers as well has also affected school policies and regulations, but these changes have had little impact upon the curriculum or teaching in most schools.

Hansen's observations were borne out by answers received by *Education U.S.A.* to the question of how much power and authority student governments have today in the nation's public schools.

The results were as follows:

8 – Power to act without administrative veto
23 – Power to recommend and act with administrative veto
9 – Wide advisory and recommendation power
13 – No student government
7 – Needs more power
14 – Very apathetic, not willing to take power
55 – Traditional symbolic and student activity role

Thus, 65% of those responding either had no student government or an apathetic or powerless one, or a student government with a long-standing traditional role.

Actually, only eight responses, or 6%, indicated that their student governments had the power to act without administrative veto. Thus, it is quite apparent that students, rights and all, most definitely have not "taken over" the schools.

A typical majority response went like this: "Student governments in Leon County vary in effectiveness and power from school to school. In no case, however, do they exert significant influence on the curriculum or essential functions of the school. The majority of their efforts still deal with extra-curricular activity, and other 'traditional' activities," wrote Ned Lovell, superintendent of the Leon County School District in Tallahassee, Fla.

On the other hand, there was this response from Doug Doane, principal of the Dwight D. Eisenhower High School in Saginaw, Mich: "They (student government) are the decision making body for the school. They must abide by board policy and state laws, but the principal has no veto power." Doane enclosed an outline of their organization. There are 32 elected students, 8 faculty members who are also elected by their peers, 2 administrators appointed by Doane, and 1 representative each from the school's custodial service and cafeteria staff. One of the student members wrote, "Our administration really believes that our school should be run the way we want it run."

James E. Cole, principal of Armstrong High School in Neenah, Wis., provided still another response from an active student government. He has prepared a monograph, "Involving the High School Student in Educational Decision Making," for the Westinghouse Learning Corp., and he has carried that philosophy over into his school through its student-faculty administrative council. That body governs much of the school life at Armstrong and the students' handbook, "Never Lose Touch," is a model of the real commitment to student rights and responsibilities which some of those educators interviewed by telephone for this Special Report seemed to favor, but hadn't implemented as yet.

The Great Neck (N.Y.) South Senior High School has a "Student-Faculty Executive Board" with representation of 10 teachers and 11 students. The principal has veto power, but can be overruled by a vote of 15 of the 21 members of the Board.

One of the more interesting power-sharing programs was at Niles North High School in Skokie, Ill. They have what they term a "School Government" made up of seven students, five teachers, three administrators and three parents. The "government" must abide by school board policy regulations, state laws and the union-board contract with teachers. Otherwise their weekly meetings constitute the management of the school establishment. The principal has a veto, but it may be overridden by a three-quarters vote of the "government." There is also a 30-member student assembly to handle the usual or traditional student government tasks and social activity.

Another school operates on a town meeting format with the entire student body and faculty sitting as one group to make decisions on policy matters. This system is reported to be running fine in the two years it has been in effect and has involved the community in supporting the school's financial needs in an unprecedented manner.

STUDENTS ON SCHOOL BOARDS

One bridge to better school district-student communication may be installing a student – either in an advisory or fully official capacity – on the board of education.

It is another move that met with considerable adult trepidation when the first such fulltime student board member took his seat on the Fairfax, Va., board of education in 1972 and began to urge a revamping of teacher tenure from permanent tenure to a review every five years.

Yet it is a move that apparently is catching on.

Rochester, N.Y.

After five years of student representation on the Rochester (N.Y.) City School Board, John M. Franco, superintendent, is convinced that the student voice adds a "vital and key dimension" to the board's deliberations and policy making. Among seven other board members, Franco points out, one student is "not insignificant." He participates in discussions and may cast an ex officio vote, recorded in the minutes although not counted as a deciding one. Besides fulfilling these functions, the student member has, for example, served on budget and curriculum advisory committees and on those representing the school board among parents and the general community.

A major strength of the system and a reason the student input has accelerated since its inception, Franco believes, is the flexibility which it allows. The student representative is elected by and from the committee of 10 Student Advisers to the Board (SAB), each of whom is elected by the student body of his respective secondary school. Each school may set its own criteria for eligibility. Usually the SAB members are seniors, but sophomores and juniors have also served. With SAB as a communication channel to individual schools, the student member works closely with the board of education and also maintains contact with schools.

The student representative for 1974-75, Simeon Kolko, emphasized that two-way communication with the students of the district was the key to a representative's effectiveness. While recognizing that many students do not think to care about such representation, Kolko observed that many care very much, and all are affected by decisions made by the board. The student rights handbook, updated in 1975 by Kolko and other SAB members, was the idea of the first student representative to the board. In recent discussions with the community about the underutilization of school buildings, Kolko believes he was able to bring the perspective of an involved but nonaligned participant to the controversial question of closing schools. That the student representative be elected by the students and acknowledged by the school and community as their spokesman is very important, both he and Franco agree. A major problem, especially in a large urban school district, is to determine what the student views really are. Kolko believes that a district committed to the idea of a student representative can make his role more productive by placing whatever resources for communication are available at his disposal.

THE ROLE OF THE STUDENT COUNCIL

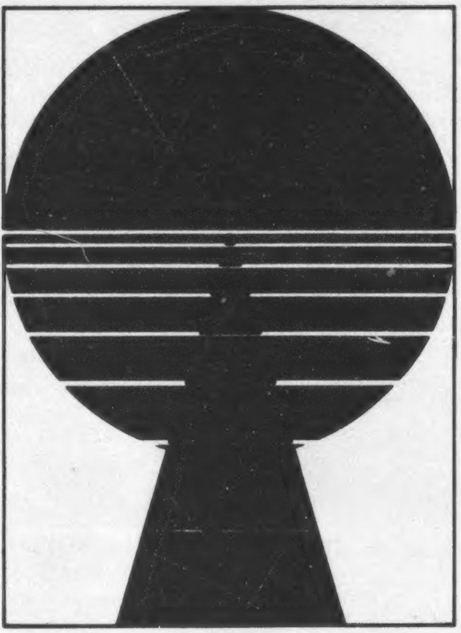
Each secondary school in the City of Memphis shall have a duly elected Student Council, and the scope of its powers, privileges, and responsibilities shall be a matter of public record. This Council shall be the official body representing students. The president of this group or his representative will represent his school in a city-wide Association of Student Council Presidents. This body will meet with a representative of the Department of Pupil Services and/or other staff members monthly during the school year and will be charged with the responsibility of making recommendations regarding activities affecting students. These recommendations will be made to the Superintendent's executive staff. The meeting will be open to principals and Student Council sponsors, but the meeting will be conducted by a student representative elected by the representtative body with each high school having one vote.

Formalized proposals of individual students or groups of students should be presented by the appropriate person to the local Student Council for study and recommendations to the principal. Students or groups of students who wish to communicate their concern or appeal directly to the principal may do so. However, the principal may want to redirect his communication to the Student Council for consideration and/or recommendation.

ELECTIONS

All student elections which do not involve elections pertaining to specific clubs or organizations are to be conducted and supervised by the Student Council, with members of the faculty appointed by the principal at his disrection to serve in an advisory capacity.

Election procedures should be established well in advance and should not be changed within three months of any election without the approval of the majority of the student body. All students meeting the qualifications stipulated by the Student Council will be eligible to hold office regardless of race, religion, nationality, or economic status.



Student Rights and Responsibilities. Memphis City Schools, 2597 Avery Ave., Memphis, Tenn. 38112

Schenectady, N.Y.

The Schenectady, N.Y., school board recently established guidelines and policy to allow a student representative from each of the city's two high schools to serve with the board. Previously a student representative had attended meetings informally at the invitation of Supt. Charles D. Abba, who conceived the plan as a way of keeping in the mainstream of student concerns while encouraging student interest in how the school board functions. "I get more out of it than they do," Abba said.

Under the guidelines, students will be able to put items on the agenda if submitted 10 days in advance, discuss items of special interest to students at executive sessions, and receive material sent to board members, except that of a "confidential nature" – i.e., related to negotiations, salaries and promotions.

The students will act primarily as a liaison between students and board members, rather than as voting members who serve on committees. Public reaction has been favorable. Abba foresees a number of areas – among them procedures for suspension, setting educational priorities and teacher evaluation – in which the students' voices may profitably be heard as the roles of the representatives develop.

Fairfax, Va.

Since 1972 one of the three members-at-large of the 11-member Fairfax County, Va., school board has been a student. Paid at the standard rate of $3000 a year plus expenses, the student member has full voting rights and differs only in that the term is for one, rather than two, years.

The county-wide student advisory council holds a nominating convention to determine what student will serve. Five delegates from each of Fairfax's 22 high schools attend. Any interested student is eligible; law requires only that a board member be a resident. After a round of speeches followed by a question and answer period, the first ballot determines the finalists – and the serious politicking begins. By the end of the day and several more ballots, the council has a name to submit to the Board of Supervisors, who then make the appointment.

Although input through the student advisory council was a well-established precedent in 1972, the board apparently caught a few people by surprise in establishing the student seat. Nevertheless, except for the two supervisors who have consistently voted against it, the idea has met little local opposition. With both Supt. S. John Davis and a number of state representatives from northern Virginia on record as favoring local option, the governor has twice vetoed legislation passed by the Virginia general assembly that would require school board members to be of voting age.

The school board itself, according to its chairman Mary Ann Lecos, has no official position on the desirability of having a student member with full voting rights. It has worked in practice "not so badly as some members anticipated," she said, and the students have been "responsible, hardworking members of the board." One concern raised initially about possible conflicts of interest has been laid to rest. According to Davis, having a member of the school board in class does not pose problems for principals and teachers.

Other questions are less easily resolved. Both Lecos and Davis commented on the anomaly of having a public official below the age of legal responsibility. At what point does the right of the juvenile end and public responsibility begin? Both mentioned also the curtailed effectiveness of a member who serves for only one year, a large part of which must be devoted to learning what the position requires. But to elect a sophomore, who could fill a two-year term, raises the question of maturity, they said. Feeling comfortable with a $250 million budget, Davis observed, takes a little time even for adult members. Both the nature of the position and the number and diversity of constituents place enormous pressures on the student board member, they agreed.

That the appointee may not be equal to his responsibilities has been underscored by recent events. The student board member for 1975-76, a senior, resigned shortly after the start of the school year. He was subsequently charged with two counts of forgery relating to the misuse of requisitions and letters of authorization from a neighboring school district in attempting to purchase $2700 worth of athletic equipment. Although the Board of Supervisors promptly voted to ask the student advisory council to nominate a successor, who has since been confirmed, it responded to a demand that the seat be eliminated by also voting to have the question studied by five county education and civic groups, among them the student advisory council and the school board itself. "Any . . . strong, healthy program can stand periodic evaluation," stated the chairman.

The superintendent of schools concedes with regret that his views have inevitably been colored by this incident, that he now feels some reservations about placing a young person in the position of having to cope with the pressures this level of responsibility entails – whether, in fact, to do so is "fair to the student." Not the principle, but the means, of student representation is in question. Decisions benefit from an insight into student attitudes and concerns, and student membership on the board offers a regular opportunity to bring these officially to light. But Davis questions whether an ex officio member or the active student advisory council could not provide these insights nearly as well.

In Fairfax, as in many other districts, the climate has changed in the last five years: the tide of student protest has ebbed; student reporters no longer pack meetings with the superintendent; many students do not know or care that they have a member representing them on the school board. Still, the politically active students care very much. And the student advisory council "matured," says Lecos, and with effective leadership, is now addressing such issues as rank in class, alternative programs, reporting to parents and teacher evaluation, she said.

Chapter 11.

The Conclusion: Student Rights Are Here To Stay

One would certainly have to conclude, in the Bicentennial year of 1976, that close to 200 years after their adult ancestors fought for their own bill of rights, students' rights are here to stay in the nation's public schools.

The courts have stated clearly that rights granted by the Constitution and the Bill of Rights to American citizens are by no means left by juveniles at the schoolhouse door.

As a matter of fact, the courts have gone so far, in *Wood vs. Strickland,* to suggest that school administrators and boards of education are legally liable to monetary damages not only if they knowingly violate these rights, but also if they violate constitutionally guaranteed student rights they clearly should have known about.

Thus, the student rights revolution that began boiling on the college campus in the 1960s and bubbled downward through many of the country's high schools, has been just as successful, in its end, as the big revolution that preceded it by almost 200 years.

How Much Change? Disorder?

Yet, what has the student rights revolution wrought? Student upheaval? Curriculum change? A dramatically new and different way of doing things in the nation's public schools?

Hardly.

The "hordes of ombudsmen" Philadelphia School Board President Richardson Dilworth dreamed would be chasing him up the side of the school administration building never materialized. Student rights did not bring, as some had feared, a student "takeover" of the schools. As a matter of fact, some report today, it brought more apathy than anything else.

Despite the sweeping nature of the student rights revolution, educators reported in survey answers for this Special Report that today some two-thirds of the country's high school students neither desire nor have anything more than a traditional student government to handle routine matters of school governance.

And only 6% of the schools, respondents reported, have student governments that can act without administrative veto, with only 4% of the schools reporting that their students still have a strong interest in student rights.

Not that the student rights revolution has been a failure, however. Out of it has come a new breed of student, knowledgeable about his rights and ready to defend them if they are threatened, but at the same time more reluctant to wave the flag of combat than his predecessors of the 1960s.

And on the adult side, teachers and administrators today are looking on the student more as a person, a small person, perhaps, but one with the same inalienable rights to due process as any adult.

In effect, calm generally has been restored to the battlefield of student rights, except in one area – the courts. Here the battle occasionally still rages.

Due Process: Still a Focus

The issues of due process are still being clarified and defined, and more and more restrictions continue to be placed upon administrators and boards of education in the area of suspensions, liability and the like, making educators more fearful than ever in invoking procedures of discipline in the schools.

Yet, some contend that fear, given the basic rudiments of due process, may be an unnecessary one.

Says Columbia U.'s Prof. Edmund Reutter, Jr.: "If school boards and professional personnel are able to develop sound educational and legal arguments to support their actions in cases of discipline, they need not fear the courts. If they are unable to do so, they simply should not try to impose their whims, hunches, or tastes on the students. . . . Legally, who wins the case is not nearly as crucial as why the decision was made. Educationally, who wins the case is not nearly as crucial as why the discipline situation could not have been resolved short of recourse to the public, adversary forum of a court."

Trust and Respect: Still the Key

But perhaps Edward T. Ladd and John C. Walden, writing in *Students' Rights and Discipline,* a publication of the National Assn. of Elementary School Principals, sum it up best when they say:

"A governance program begins and ends with human beings. Its success depends on how the people who administer the program – students, teachers and principal – perceive each other. If there is mutual trust and respect among all the people in the school, the governance program has every chance of achieving its objectives. If trust and respect are absent, student governance will be a constant uphill struggle.

"It is the responsibility of the professional to establish a school climate based upon trust and respect for each human being in the school. This cannot be done through tricks or the learning of techniques, except at a very superficial, and eventually self-defeating, level. A successful governance program, then, begins first with a school staff who sincerely believe in people as human beings; who, if you will, genuinely like kids.

"The development of an effective governance program is a task that never ends. It is a task that requires the best talents of all the people associated with the school. Done effectively, it can lead to a stronger and better educational program."

Selected Resources

STATE

A Guide to Student Rights and Responsibilities in South Dakota. Communication Services, Dept. of Public Instruction, Pierre, S.D. 57501.

Guidelines for the Collection, Maintenance and Dissemination of Pupil Records. Division of Pupil Personnel Services, Pennsylvania Dept. of Education, 1974.

Guidelines for Student Rights and Responsibilities. The State Education Dept., Albany, N.Y. 12234.

A Recommended Guide to Student Rights and Responsibilities in Michigan. Office of School and Community Affairs, Box 420, Michigan Dept. of Education, Lansing, Mich. 48902.

Rights and Responsibilities, Administrative Guidelines. Ohio Dept. of Education, 65 S. Front St., Columbus, Ohio. 1971.

Student Rights and Responsibilities in South Carolina. South Carolina Community Relations Program of American Friends Service Committee and South Carolina ACLU. 401 Columbia Bldg., Columbia, S.C. 29201. 35¢.

Students and Schools, Rights and Responsibilities, 2nd ed. 1975. Illinois Office of Education, 100 N. First St., Springfield, Ill. 62777.

Emerging Rights of Students: The Minnesota Model for a Student Bill of Rights, State Dept. of Education, 715 Capitol Square, St. Paul, Minn. 55101.

OTHER

Code of Student Discipline and Student Rights. Educational Research Service, Inc., 1815 N. Fort Myer Dr., Arlington, Va. 22209. $6, 1975.

The Courts and Student Conduct. National Organization of Legal Problems of Education (NOLPE), 825 Western Ave., Topeka, Kan. 66606. ERIC/CEM State-of-the-Knowledge Series, No. 27. Accession Number: EA 006406.

Involving the High School Student in Educational Decision-Making. Westinghouse Learning Corporation Monograph, PO Box 30, Iowa City, Iowa 52240.

Never Lose Touch: An Explanation of the Student-Faculty Administrative Council. Armstrong Senior High School, Neenah, Wis. 1974.

The Principal, School Discipline and the Law. Council of Supervisors and Administrators of the City of New York, 186 Joralemon St., Brooklyn, N.Y. 11201. $1, 1974.

"The Rights of Children," *Harvard Educational Review,* Vol. 43, No. 4, Nov. 1973. Business Office, Longfellow Hall, 13 Appian Way, Cambridge, Mass. 02138. $3.50.

EDUCATION ASSOCIATIONS

National Assn. of Secondary School Principals, 1904 Association Drive, Reston, Va. 22091.

- *Student Structures: Moving Toward Student Government.* 1974, $3.
- *Now You're in the Middle, A Handbook for the Student Council Adviser.* 1972, $1.
- *The Principal and the Student Council.* 1968. $1.
- *Responsible Student Involvement.* 1975. $2.
- *Responsibility and the Active Student Leader", NASSP Bulletin,* Vol. 58, No. 384, October 1974. Single copy, $4.
- *Student Advocate,* monthly September-May, $10 annually. (Features articles on student government and a legal column on students and the law.)

National Education Assn., 1201 16th St., NW, Washington, D.C. 20016.

- *Code of Student Rights and Responsibilities.* 1971.
- *What Every Teacher Should Know About Student Rights.* 1975.

National Assn. of Elementary School Principals, 1801 N. Moore St., Arlington, Va. 22209.

- *Student Rights and Discipline.* 1975. $5.95.
- *School Leadership Digest: Student Rights and Student Discipline.* 1974. $2.25.

Other EDUCATION U.S.A. Special Reports

VIOLENCE AND VANDALISM. Noting the upward swing in violence over recent years, this report studies trends, explores causes, and surveys preventive and remedial measures successfully used in districts around the country. Problems and solutions are considered from the standpoint of administrators, police, school security directors, students, teachers and legislators. 1975, 64pp., #411-13323. $6.75 each.

INSERVICE EDUCATION. Inservice has changed from courses to accumulate state mandated credits to programs designed by local staff to meet their self-determined needs. The report describes the when, where and how of successful programs: setting goals and evaluating results, use of interpersonal relations, using inservice programs to effect change. 1975, 64pp., # 411-13321. $6.75 each.

IPI: AN INDIVIDUALIZED APPROACH. Once described as a most promising "individualized learning" program in mathematics, reading and other subjects, IPI now appears to work best for those who recognize its limitations. The report notes that IPI can let children pace themselves and help them develop feelings of self-worth and describes how elements of the program are adaptable to an open classroom approach. 1975, 64pp., #411-13319. $6.75 each.

READING: ISSUES AND ACTIONS. More than 15 years after the initial swirl of controversy over reading instruction in the nation's schools, the debate continues over which method is best. The roles of federal and state governments, teacher training, textbooks and other materials and the use and abuse of tests—all are discussed in depth in this new special report. Includes profiles of successful programs. 1974, 64pp., #411-13317. $6.75 each.

EVALUATING TEACHERS FOR PROFESSIONAL GROWTH. Regular and comprehensive evaluation of instructional staff is here to stay, but the emphasis has switched from an assessment used to eliminate incompetent teachers to a procedure aimed at improving performance; from a procedure including only the principal and teacher to one involving assessment by peers and students as well. Included are reviews of current policies and programs at the state, district and building levels. 1974, 64pp., #411-13315. $6.75 each.

EDUCATING CHILDREN WITH SPECIAL NEEDS. Surveys current trends and practices in school districts across the nation where administrators, teachers and parents are trying to fulfill the special needs of the handicapped. Includes effects of recent court decisions and financing information. 1974, 64pp., #411-13313. $6.75 each.

Address communications and make checks payable to the
National School Public Relations Association
1801 North Moore Street, Arlington, Virginia 22209